

Joint Standing Committee on Health and Human Services

LD 6	Resolve, Regarding Legislative Review of Chapter (unassigned): Rules Providing for the Licensing of Child Placing Agencies With and Without Adoption Programs, Addition of Home Certification Process, a Major Substantive Rule of the Department of Human Services, Community Services Center	RESOLVE 5 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-40

LD 6 proposed to provide for legislative review of Chapter (unassigned): Rules Providing for the Licensing of Child Placing Agencies With and Without Adoption Programs, Addition of Home Certification Process, a major substantive rule of the Department of Human Services, Community Services Center.

Committee Amendment "A" (H-40) proposed to amend the resolve by adding a requirement that a decision to grant or deny an application for certification as a preadoptive home must be made within 30 days of the completion of an application. An additional 30-day time period would be allowed for the best interests of the child. The amendment also proposed to add a fiscal note.

Enacted law summary

Resolve 2001, chapter 5 provides for legislative review of Chapter (unassigned): Rules Providing for the Licensing of Child Placing Agencies With and Without Adoption Programs, Addition of Home Certification Process, a major substantive rule of the Department of Human Services, Community Services Center.

The resolve adds a requirement that a decision to grant or deny an application for certification as a preadoptive home must be made within 30 days of the completion of an application. It allows an additional 30-day time period for the best interests of the child.

Resolve 2001, chapter 5 was passed as an emergency measure effective April 11, 2001.

LD 14	An Act to Prohibit the Use of Juveniles in the Enforcement of Laws Governing Tobacco Sales	DIED BETWEEN BODIES
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATERHOUSE MCALEVEY	ONTP MAJ OTP-AM MIN	

LD 14 proposed to preclude the State from using juveniles in any tobacco enforcement action. It proposed to direct the Commissioner of Human Services; the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services; the Commissioner of Public Safety; and the Attorney General to jointly develop and implement alternative tobacco enforcement strategies, exclusive of using juveniles for enforcement actions.

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Committee Amendment "A" (H-456) is the minority report of the Joint Standing Committee on Health and Human Services. It proposed to add a fiscal note to the bill.

LD 23 **An Act to Raise the Minimum Age to Buy Tobacco Products to 21 Years of Age** **ONTP**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 23 proposed to raise the minimum age to purchase tobacco and tobacco products from 18 years of age to 21 years of age.

LD 27 **An Act to Implement the Recommendations of the Commission on Child Abuse** **PUBLIC 11**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 27 proposed to repeal the provision of law that sets forth the powers of the board of directors of the Maine Children's Trust Incorporated and enact in its stead a provision that clarifies which of the functions are powers and which are duties. In addition, the bill proposed to assign to the trust the following:

1. A permanent duty to develop plans with the child abuse and neglect councils to provide a stable base of funding for the councils at levels at least as high as the levels in the fiscal years 1999-00 and 2000-01 biennial budget; and
2. A one-time duty to develop a proposal along with the Department of Human Services, the child abuse and neglect councils, the Maine Association of Child Abuse and Neglect Councils and statewide organizations working to prevent child abuse and neglect to channel funding that is destined to the child abuse and neglect councils through the trust in order to maximize federal funding and qualify for matching funds in as high amounts as possible. The bill proposed to require the Maine Children's Trust Incorporated to submit a report to the Second Regular Session of the 120th Legislature by January 15, 2002 on the proposal to maximize federal funding and to qualify for matching funds

The bill proposed to clarify the authority of the Department of Human Services, in the Child and Family Services and Child Protection Act, to take appropriate action, consistent with existing funding, to prevent child abuse and neglect.

Enacted law summary

Public Law 2001, chapter 11 repeals the provision of law that sets forth the powers of the board of directors of the Maine Children's Trust Incorporated and enacts in its stead a provision that clarifies which of the functions are powers and which are duties. In addition, chapter 11 assigns to the trust the following:

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1. A permanent duty to develop plans with the child abuse and neglect councils to provide a stable base of funding for the councils at levels at least as high as the levels in the fiscal years 1999-00 and 2000-01 biennial budget; and
2. A one-time duty to develop a proposal along with the Department of Human Services, the child abuse and neglect councils, the Maine Association of Child Abuse and Neglect Councils and statewide organizations working to prevent child abuse and neglect to channel funding that is destined to the child abuse and neglect councils through the trust in order to maximize federal funding and qualify for matching funds in as high amounts as possible. Chapter 11 requires the Maine Children's Trust Incorporated to submit a report to the Second Regular Session of the 120th Legislature by January 15, 2002 on the proposal to maximize federal funding and to qualify for matching funds.

Chapter 11 clarifies the authority of the Department of Human Services, in the Child and Family Services and Child Protection Act, to take appropriate action, consistent with existing funding, to prevent child abuse and neglect.

LD 34

An Act to Increase the Eligibility for the Elderly Low-cost Drug Program

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY BROOKS	ONTP	

LD 34 proposed to increase eligibility for the Elderly Low-Cost Drug program by increasing the income level from 185% to 225% of the nonfarm income official poverty level. The bill proposed to increase the monetary level, in 2000 figures, from \$20,820 to \$25,326 for a family of 2 persons. This bill also proposed to increase eligibility by decreasing from 40% of income to 30% of income the amount of high medical expenses that increases the income eligibility level by 25%. See LD 50.

LD 35

An Act Regarding the Rights of Parents and Other Family Members of Adults with Mental Retardation

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY O'BRIEN J	ONTP	

LD 35 proposed to provide for the disclosure of information regarding an adult with mental retardation who was a client of the Department of Mental Health, Mental Retardation and Substance Abuse Services to the client's family when requested by the family member for the purposes of prescriptive program planning or service planning under the Maine Revised Statutes, Title 34-B, chapter 5, consideration of services or programs for the client, requests for services or programs or reviews, grievances or appeals concerning services or programs.

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LD 37

An Act to Amend the Law Governing the Child Care Advisory Council and to Gather Data on Child Care Services in the State

**PUBLIC 179
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-92

LD 37 proposed to amend the law governing the Child Care Advisory Council by changing the number of members on the council and by removing the language that prohibits subsequent consecutive terms for members. The bill also proposed to appropriate funds to the Department of Human Services, Office of Child Care and Head Start for a one-time competitive grant to a private entity to gather data on child care services in the State.

Committee Amendment "A" (S-92) proposed to specify that the Child Care Advisory Council may identify the need for additional members, who will be appointed by the Governor. The amendment also proposed to delete the appropriation section.

Enacted law summary

Public Law 2001, chapter 179 amends the law governing the Child Care Advisory Council by changing the number of members on the council and by removing the language that prohibits subsequent consecutive terms for members. It specifies that the Child Care Advisory Council may identify the need for additional members, who will be appointed by the Governor.

Public Law 2001, chapter 179 was enacted as an emergency measure effective May 16, 2001.

LD 50

An Act to Expand Eligibility for the Elderly Low-cost Drug Program

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W MARTIN	OTP-AM MAJ ONTP MIN	H-510

LD 50 was a concept draft pursuant to Joint Rule 208.

This bill proposed to amend the Elderly Low-Cost Drug program established in the Department of Human Services to establish a scale for eligibility for benefits for seniors under the program. The effect of this bill would be to expand the number of seniors that benefit under the elderly low-cost drug program by allowing those that are currently ineligible because their income exceeds 185% of the federal poverty level to participate at a level commensurate with their income level.

Committee Amendment "A" (H-510) is the majority report of the committee. It proposed to provide a new title and replace the bill, which was a concept draft. It proposed to establish income eligibility for the Elderly Low-Cost Drug program at 185% of the federal nonfarm income poverty level in 2001, as adjusted annually to match the increases in the payment of Social Security retirement benefits. It proposed to add to the basic component of

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the program over-the-counter medications prescribed by a health care provider and approved as benefits and supplies related to the treatment of diabetes. It proposed to add an appropriation, a fiscal note and an effective date.

See Public Law 2001, chapter 439, Part HH, Part II budget.

LD 90 An Act to Clarify the Provision of Mental Health Services ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS DAGGETT	ONTP	

LD 90 proposed to specify that the funding approved for a psychiatric treatment facility be for a new Augusta Mental Health Institute. The bill proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to provide appropriate community resources necessary for mental health treatment in this State. The bill also proposed to provide that inpatient services be provided at two state-operated, public psychiatric hospitals, one in Bangor named Bangor Mental Health Institute and one in Augusta named Augusta Mental Health Institute, and at privately operated hospitals.

LD 137 An Act to Provide Accountability in the Handling of Funds for Consumers of Mental Health Services ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP	

LD 137 proposed to require representative payees of consumers of mental health services to perform their duties in the manner of fiduciaries and provide quarterly accountings for all funds. The bill proposed to prohibit representative payees from deriving any direct monetary benefit from the relationship. The bill also proposed to allow a person providing case management services, an employee of the Department of Mental Health, Mental Retardation and Substance Abuse Services providing supervision of or reviewing persons or organizations providing publicly funded mental health services or an employee of the Office of Advocacy to examine all financial records regarding the representative payee relationship.

LD 149 An Act to Provide Services to People with Autism ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO MITCHELL B	ONTP	

LD 149 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to contract for autism services with the Maine chapter of the Autism Society of America. It proposed to specify

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that the contracted services would include training for trainers; training for persons around the State; attendance at workshops and conferences; and services to schools, group homes, employers, law enforcement agencies, health care professionals, transition programs, social service organizations and service groups. The bill proposed to appropriate \$30,000 per year for these purposes.

LD 159

An Act to Establish a Child Ombudsman Office

ONTP

Sponsor(s)
FULLER

Committee Report
ONTP

Amendments Adopted

LD 159 proposed to do the following:

1. Repeal the statute that established the unfunded Child Welfare Services Ombudsman within the Department of Human Services;
2. Establish the Child Ombudsman Office within the Department of Human Services to provide ombudsman services to children and families through a contract with a nonprofit organization. The office would have answered inquiries and investigated and worked toward resolution of complaints regarding services and programs for children and families, would have provided information, assistance and legal representation services, would have provided an outreach program, would have collected and analyzed information and reported annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters;
3. Provide for access to records, confidentiality of those records and immunity from civil and criminal liability;
4. Require all contracts for services to children and families entered into by the Department of Human Services, the Department of Corrections, the Department of Education and the Department of Mental Health, Mental Retardation and Substance Abuse Services to include a requirement that the provider of services under the contract, beginning July 1, 2002, give written notice to children and families served by the provider or applying for service from the provider that the child or family could use the services of the ombudsman and could use the grievance and appeal procedures of the appropriate state department;
5. Provide an effective date of January 1, 2002; and
6. Require a report by January 15, 2002 on transferring to the Child Ombudsman Office authority for other child ombudsman and advocacy programs and services and the funding associated with those programs and services. The bill also would have allowed the joint standing committee of the Legislature having jurisdiction over health and human services matters to submit legislation to the 120th Legislature transferring funding and authority for services to the Child Ombudsman Office.

See LD 764 and the Part II budget, Public Law 2001, chapter 439, Part X.

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LD 168

An Act Concerning Standardized Contracts for Long-term Care Services

PUBLIC 279

<u>Sponsor(s)</u> LOVETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-379
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LD 168 proposed to repeal a provision of Public Law 1999, chapter 731, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001," that gave the Department of Human Services authority to develop and adopt rules to require the use of standardized contracts to be used for long-term care services between service providers and consumers.

Committee Amendment "A" (H-379) proposed to strike that part of the bill that would have repealed the requirement that the Department of Human Services develop a standardized contract for long-term care services.

This amendment proposed to add to the bill statutory language regarding contracts for assisted living services. It proposed to add a fiscal note.

Enacted law summary

Public Law 2001, chapter 279 authorizes the Department of Human Services to develop and adopt rules to require the use of standardized contracts to be used for assisted living services.

LD 172

Resolve, to Ensure Comprehensive and Accurate Medical Eligibility Assessments

RESOLVE 54

<u>Sponsor(s)</u> KANE TURNER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-660
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LD 172 proposed to require the Department of Human Services to amend the rules regarding medical eligibility assessments under the Medicaid program and state long-term care programs in order to ensure that the assessments are comprehensive and accurate. The rules would have required that in completing the assessment the nurse assessor exercise professional judgment and consider documentation, observation and interviews with the consumer, family members, direct care staff, the consumer's physician and other individuals as determined to be appropriate. The rules would have required the nurse assessor to document in the record of the assessment consideration of all relevant information. Rules adopted pursuant to this resolve would be major substantive rules.

Committee Amendment "A" (H-660) proposed to replace the language of the resolve. It proposed to strike the emergency language. It proposed to clarify the language requiring the exercise of professional judgment by nurse assessors performing medical eligibility determination assessments for long-term care.

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Enacted law summary

Resolve 2001, chapter 54 requires the Department of Human Services to amend the rules regarding medical eligibility assessments under the Medicaid program and state long-term care programs in order to ensure that the assessments are comprehensive and accurate. The rules must provide that in completing the assessment the nurse assessor exercises professional judgment and considers documentation, observation and interviews with the consumer, family members, direct care staff, the consumer's physician and other individuals as determined to be appropriate. Rules adopted pursuant to this resolve are major substantive rules.

LD 173

**Resolve, Directing the Department of Human Services to Amend
the Rules Regarding Congregate Housing**

ONTP

Sponsor(s)
KANE

Committee Report
ONTP

Amendments Adopted

LD 173 proposed to direct the Department of Human Services to review and amend the rules regarding congregate housing to ensure compliance with Public Law 1999, chapter 731, Part BBBB. Particular attention would have been given to health, frailty, need or acuity level, performance standards and the use and impact of consumer satisfaction surveys. By October 15, 2001, the department would have been required to report to the Joint Standing Committee on Health and Human Services on the congregate housing rules and any action that had been taken with regard to the rules.

See also LD 853.

LD 177

An Act Regarding Child Abuse and Neglect Investigation

**DIED ON
ADJOURNMENT**

Sponsor(s)
FULLER
MITCHELL B

Committee Report
OTP-AM

Amendments Adopted
H-380

LD 177 proposed to do the following:

1. Add children's services programs and providers of services funded in whole or in part by the Department of Human Services, Department of Education, Department of Corrections and Department of Mental Health, Mental Retardation and Substance Abuse Services to the settings in which the out-of-home abuse and neglect investigating team may investigate reports of suspected abuse and neglect of children. If one of these departments were involved and did undertake an investigation, the bill would have required the team to investigate the report;
2. Correct a cross-reference regarding confidentiality of information regarding investigations conducted by the Disability Rights Center under the Maine Revised Statutes, Title 5, chapter 511; and

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3. Add programs, services and persons administered, licensed or funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services to the law providing access to records for the Office of Advocacy within the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Committee Amendment "A" (H-380) proposed to replace the bill. It proposed to clarify that the authority of the out-of-home abuse and neglect investigating team would be expanded to the provision of services under the rules adopted by the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. The amendment proposed to remove a section dealing with confidentiality of records and add an appropriation section and a fiscal note to the bill.

LD 183 **Resolve, to Increase Medicaid Reimbursement for Certain Providers** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM MAJ	H-659
PENDLETON	ONTP MIN	H-679 FULLER

LD 183 proposed to require the Department of Human Services to adopt rules to take effect on January 1, 2003 to increase the amount of reimbursement under the Medicaid program for occupational and physical therapy, speech and language pathologist and audiologist services to 70% of the usual and customary charge.

Committee Amendment "A" (H-659) proposed to replace the resolve. It proposed to require the Department of Human Services to raise reimbursement rates under the Medicaid program to 70% of the usual and customary charges, as determined by the department, for the providers and services reimbursed below 70% as of January 1, 2001. It proposed to add appropriation and allocation sections and a fiscal note to the resolve.

House Amendment "A" to Committee Amendment "A" (H-679) proposed to require the Department of Human Services to adopt rules to take effect on January 1, 2002 to increase the amount of reimbursement under the Medicaid program for occupational and physical therapy and speech and language pathologist and audiologist services to 60% of the usual and customary charge.

See Public Law 2001, chapter 439, Part LL, enacting an increase for occupational therapy and physical therapy to 50% of usual and customary rates.

LD 187 **An Act to Provide Relief from Excessive Drug Costs for Maine Residents** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS	ONTP	
SAWYER		

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LD 187 proposed to revise the income eligibility limit for the Elderly Low-cost Drug program. It proposed to repeal a provision that added up to 25% to the income limit for households that spent 40% of income on unreimbursed drug costs. It also proposed to add a provision that adjusted the income limit upward by the full amount over the income limit that is spent on unreimbursed drug costs and limit the benefit under the program to the amount of that difference.

See also LD 50.

LD 188	Resolve, to Reduce the Administrative Burden in Home Health Care Reimbursed through the Medicaid Program	DIED ON ADJOURNMENT
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<u>Sponsor(s)</u> FULLER KNEELAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-511
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LD 188 proposed to require action by the Department of Human Services with regard to the home health care benefit provided under the Medicaid program. It proposed to require interpretive guidance letters, an appeals process for payments and an estimate of administrative costs to providers. It proposed to require a report on a home health care prospective payment system in Medicaid. It proposed to require an annual report of data with regard to home health care benefits.

Committee Amendment "A" (H-511) proposed to replace the resolve. It proposed to require action by the Department of Human Services with regard to the home health care services provided under the Medicaid program. It proposed to require an appeals process for payments and an estimate of administrative costs to providers prior to rulemaking. It proposed to clarify language regarding the streamlining of administrative requirements. It proposed to require a report on the feasibility of implementing a home health care prospective payment system in Medicaid. It proposed to require an annual report of data regarding home health care services and adults awaiting placement for Medicaid Private Duty Nursing / Personal Care Services. It also proposed to add an appropriation, an allocation and a fiscal note to the bill.

LD 189	An Act to Expand the Elderly Low-cost Drug Program to Cover Over-the-counter Drugs	ONTP
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<u>Sponsor(s)</u> MENDROS LEMONT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 189 proposed to add to the supplemental component of the Elderly Low-Cost Drug program over-the-counter medications when the prescribing health care provider stated in writing that the medication was medically indicated for the medical condition or disease.

See also LD 34 and 50.

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LD 191

An Act to Prohibit Smoking in Certain Bingo and Beano Halls

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACOBS	OTP-AM MAJ ONTP MIN	

LD 191 proposed to prohibit smoking in public places where beano or bingo games were being conducted.

Committee Amendment "A" (H-82), the majority report of the committee, proposed to amend the title of the bill by deleting the word "certain." It also proposed to add a fiscal note to the bill.

House Amendment "A" (H-92) proposed to strike the bill. Like the bill, this amendment proposed to prohibit smoking in public places where beano or bingo games were being conducted, except that this amendment would not prohibit smoking in a public place in which an Indian tribe operated a high-stakes beano or high-stakes bingo game in accordance with a license granted pursuant to the Maine Revised Statutes, Title 17, section 314-A. (Not adopted)

House Amendment "B" (H-135) proposed to allow smoking in a public place when high-stakes beano or high-stakes bingo games were being conducted in accordance with the provisions of the Maine Revised Statutes, Title 17, section 314-A or in a public place when beano or bingo games were being conducted in accordance with the provisions of Title 17, section 314 if that place were serviced by a ventilation system that replaced air within 10-minute or shorter cycles. (Not adopted)

LD 201

An Act to License Freestanding Birth Centers

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER RAND		

LD 201 proposed to require that all freestanding birth centers be licensed by the Department of Human Services. The bill also proposed to set forth the types of licenses and the process and standards for licensure.

This bill was carried over to the Second Regular Session.

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LD 216

An Act to Offer Greater Financial Incentives Promoting Quality Child Care

PUBLIC 394

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM MAJ	S-291
BROOKS	ONTP MIN	

The provisions of the Maine Revised Statutes, Title 22, section 3737, subsection 3 allow for a differential rate of compensation for child care services for those providers that meet national standards for quality. LD 216 proposed to allow differential rates also to be paid to providers that make substantial progress toward accreditation.

Committee Amendment "A" (S-291) proposed to replace the bill. It proposed to change language in existing law regarding the payment of childcare services differentials. It proposed to require the payment of differentials from Child Care Development Fund quality funds for childcare services that meet recognized standards or make substantial progress towards meeting them. It proposed to define substantial progress and limit payment of the differential to one year. It also proposed to add an allocation section and a fiscal note to the bill.

Enacted law summary

The provisions of the Maine Revised Statutes, Title 22, section 3737, subsection 3 allow for a differential rate of compensation for child care services for those providers that meet national standards for quality. Public Law 2001, chapter 394 changes language in existing law regarding the payment of childcare services differentials. It requires the payment of differentials from Child Care Development Fund quality funds for childcare services that meet recognized standards or make substantial progress towards meeting them. It defines substantial progress and limits payment of the differential to one year.

LD 218

An Act to Ensure Statewide Assistance to Maine's Homeless Youth

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-110
BROOKS		

LD 218 proposed to establish homeless youth programs within the Department of Human Services to provide assistance to youths and their families based on a community needs and resources model. The bill proposed to appropriate \$1,000,000 in fiscal year 2001-02 and \$700,000 in fiscal year 2002-03. The bill proposed to require a report on the programs to the Joint Standing Committee on Health and Human Services by March 1, 2002. The bill proposed to repeal the provision of the Maine Revised Statutes, Title 22, section 4099 that sunsets the Youth in Need of Services Pilot Program on July 1, 2001.

Committee Amendment "A" (S-110) proposed to clarify that the Youth in Need of Services Pilot Program be repealed on June 30, 2001. It proposed to retain the provisions of the bill that enact homeless youth programs and appropriate \$1,000,000 in fiscal year 2001-02 and \$700,000 in fiscal year 2002-03 for funding for homeless youth programs. The amendment proposed to add a fiscal note to the bill.

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See also LD 1024.

LD 219 **An Act to Expand the Cub Care Program and to Establish the Bear Care Program** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY MAYO	ONTP	

LD 219 proposed to establish the Bear Care program in the State by changing the name of the Medicaid program beginning July 1, 2002. It proposed to require materials and information about the Medicaid program for use by the public to display the name "Bear Care" beginning October 1, 2001. By January 15, 2002 the bill proposed to require the Department of Human Services to submit a report to the Joint Standing Committee on Health and Human Services proposing legislation to accomplish the name change. It proposed to direct the Joint Standing Committee on Health and Human Services to submit legislation to accomplish the name change by July 1, 2002. It proposed to require the Department of Human Services to file with the federal Department of Health and Human Services, Health Care Financing Administration all necessary amendments to the state Medicaid plan to change the name of the Medicaid program in the State to the "Bear Care program" for the purposes of service delivery and program administration by January 15, 2002.

LD 219 did not propose to alter the designation "Cub Care" for the program providing health care coverage for children under the Maine Revised Statutes, Title 22, section 3174-T. It proposed to increase, however, the income eligibility from 200% to 300% of the federal nonfarm income official poverty line and set the premiums for coverage for families with incomes above 185% of the nonfarm income official poverty line at 20% of the benefit cost per child, but no higher for a family than the cost for 2 children. This bill proposed to increase the income eligibility level for parents of children on the Medicaid program from 150% to 200% of the federal nonfarm income official poverty line.

See LD 1303, Public Law 2001, chapter 450 regarding renaming the Medicaid program and Cub Care program MaineCare.

LD 243 **An Act to Implement the Breast and Cervical Cancer Prevention and Treatment Act of 2000** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT MITCHELL B	OTP-AM MAJ ONTP MIN	H-516

LD 243 is a concept draft pursuant to Joint Rule 208. The bill proposed to implement the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000.

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Committee Amendment "A" (H-516) is the majority report of the Joint Standing Committee on Health and Human Services. It proposed to direct the Department of Human Services to grant Medicaid eligibility to women who have been diagnosed with breast or cervical cancer under the State's early detection program. It proposed to appropriate state funds and allocate federal funds for these purposes. It proposed to add a fiscal note to the bill.

See Public Law 2001, chapter 439, Part TT.

LD 244

An Act to Continue the Privacy Protection of Health Care Information

PUBLIC 346

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER PENDLETON	OTP-AM	

LD 244 proposed to eliminate the sunset on the health care information privacy legislation adopted by the 119th Legislature.

Enacted law summary

Public Law 2001, chapter 346 eliminates the sunset on the health care information privacy legislation adopted by the 119th Legislature.

LD 246

An Act to Ensure Appropriate Audit Procedures

PUBLIC 464

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO LONGLEY	OTP-AM MAJ OTP-AM MIN	H-664

LD 246 proposed to prohibit the Department of Human Services from proceeding with an audit initiative in which a private vendor is engaged or any vendor is paid on a contingent fee basis to pursue alleged overpayments to health care providers in Maine. Also, the bill proposed to require the department to disclose to the public any mathematical algorithm used in an audit.

Committee Amendment "A" (H-664) is the report of the Joint Standing Committee on Health and Human Services. It proposed to remove a retroactivity provision. It proposed to add an effective date of July 1, 2003. It proposed to also add a fiscal note to the bill.

Committee Amendment "B" (H-665) is the report of the Joint Standing Committee on Health and Human Services. It proposed to amend the bill by adding an appropriation section, an allocation section and a fiscal note to the bill.

Enacted law summary

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Public Law 2001, chapter 464 prohibits the Department of Human Services from proceeding with an audit initiative under the Medicaid program in which a private vendor is engaged or any vendor is paid on a contingent fee basis to pursue alleged overpayments to health care providers in Maine. Also, the law requires the department to disclose to the public any mathematical algorithm used in an audit.

The law contains an effective date of July 1, 2003.

LD 247 **An Act to Expand Access to Prescription Drugs with a State Toll-free Number** **ONTP**

<u>Sponsor(s)</u> GLYNN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 247 proposed to establish a toll-free telephone number administered by the Department of Human Services to provide information on prescription drug prices and to give advice and assistance in applying for discount or free drugs from private drug companies.

LD 266 **An Act to Consolidate All Aspects of Licensing and Enforcement of Agricultural Fairs Under the Department of Agriculture, Food and Rural Resources** **ONTP**

<u>Sponsor(s)</u> BUNKER NUTTING J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 266 proposed to exempt food establishments, camping areas and lodging at fairs and agricultural exhibitions from the licensing and regulatory jurisdiction of the Department of Human Services. It proposed to require the Commissioner of Agriculture, Food and Rural Resources to review existing provisions for regulating food, camping and lodging at agricultural fairs and to make recommendations to ensure the provisions were adequate to protect public health and safety.

LD 286 **An Act to Clarify the Duties of the Maine Developmental Disabilities Council** **PUBLIC 25**

<u>Sponsor(s)</u> BROOKS TURNER	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 286 proposed to amend the laws governing the Maine Developmental Disabilities Council to specify that if the position of director of the council were to become vacant the council would be required to recruit and hire a director and that the council would be required to supervise and annually evaluate the director.

Joint Standing Committee on Health and Human Services

Enacted law summary

Public Law 2001, chapter 25 amends the laws governing the Maine Developmental Disabilities Council to specify that if the position of director of the council becomes vacant the council recruits and hires a director and that the council supervises and annually evaluates the director.

LD 330 **Resolve, to Study the Placement of a Drug Rehabilitation Facility in Washington County** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY	ONTP	
GOODWIN		

LD 330, a concept draft pursuant to Joint Rule 208, proposed to establish a special task force to study the placement of a drug rehabilitation facility in Washington County.

LD 371 **An Act to Encourage Smoke-free Hospitals in Maine** **PUBLIC 59**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT	OTP	
MILLS		

LD 371 proposed to eliminate the requirement that hospitals and state mental health institutes provide a smoking area. The bill proposed to give these facilities the discretion to provide a designated smoking area for patient use.

Enacted law summary

Public Law 2001, chapter 59 prohibits smoking in hospitals and state mental health institutes except in a designated smoking area. It gives these facilities the discretion to provide a designated smoking area for patient use.

LD 383 **An Act to Limit Smoking by Foster Parents** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOUCHER	ONTP MAJ	
GAGNON	OTP-AM MIN	

LD 383 proposed to prohibit smoking in foster homes and prohibit foster parents from smoking in their private vehicles.

Joint Standing Committee on Health and Human Services

Committee Amendment "A" (H-47), the majority report of the committee, proposed to add an effective date of July 1, 2002 and clarify that the car of the foster parent in which smoking was prohibited was the car in which the foster child was transported. The amendment also proposed to remove the emergency preamble and emergency clause and add a fiscal note.

Committee Amendment "B" (H-444), the minority report of the committee, proposed to add an effective date of July 1, 2002 and clarify that the car of the foster parent in which smoking was prohibited was the car in which the foster child was transported. The amendment also proposed to remove the emergency preamble and emergency clause and to add a fiscal note.

This bill was re-referred to committee and reconsidered. Upon reconsideration the committee voted Ought Not to Pass, so neither amendment was presented to the House and Senate.

LD 393 **Resolve, to Change Medicaid Reimbursement for Nursing Facilities** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-160
PARADIS		

LD 393 proposed to require the Department of Human Services to amend the principles of reimbursement under the Medicaid program for nursing facilities to enable nonprofit nursing facilities to receive 1/2 of the profit rate applicable to for-profit nursing facilities. The rules, which would be routine technical rules, would have to be implemented by January 1, 2002.

Committee Amendment "A" (S-160) proposed to replace the language of the resolve. It proposed to specify the manner of calculation of rate of return for nonprofit nursing facilities beginning July 1, 2002. It also proposed to amend the resolve by adding an appropriation that is contingent on approval of Medicaid funding at the federal level, an appropriation section, an allocation section and a fiscal note to the bill.

See Public Law 2001, chapter 439, Part DDD, enacting ¼ the profit rate for nonprofit nursing facilities.

LD 418 **An Act to Promote Efficiency in the Provision of Administrative Services for Child Care Providers** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	OTP-AM	H-148
LONGLEY		

LD 418 proposed to provide one-time funding of \$90,000 for a pilot project to divide the State into 3 regions and to award incentive grants to encourage partnerships among a minimum of 3 child care providers to promote efficiency in the provision of administrative services such as filing reports, allocation of subsidized child care slots, payroll and insurance.

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Committee Amendment "A" (H-148) proposed to clarify that a contractor outside of the Department of Human Services must perform the request for proposal and grant award process. The contractor's compensation would be capped at 5% of the \$90,000 appropriated for the pilot project. The amendment also proposed to add a fiscal note to the bill.

LD 419 **An Act to Provide Information to Providers of Child Care
Regarding Business Support** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO LONGLEY	ONTP	

LD 419 proposed to provide one-time funds for the Community Services Center within the Department of Human Services to create a brochure outlining the business support available to child care providers. The bill proposed to require that the brochure include contact numbers for additional information and that it be included in all licensing packet information provided to new license or certification applicants.

LD 437 **Resolve, to Clarify the Principles of Reimbursement for Nursing
Facilities** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM	H-633

LD 437 proposed to direct the Department of Human Services to amend its rules to incorporate the supplemental staff payment into the per diem rate for nursing facilities and to verify at the annual audit that these funds have been distributed as directed.

Committee Amendment "A" (H-633) proposed to clarify the provisions of the resolve and add appropriation and allocation sections and also proposed to add a fiscal note to the resolve.

LD 441 **Resolve, to Expand Access to Certified Nursing Assistant Training
Programs** **RESOLVE 39**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER DAGGETT	OTP-AM	H-378

LD 441 proposed to expand access to certified nursing assistant training programs by requiring the Department of Human Services, the Department of Education and the State Board of Nursing to expand their policies, procedures, forms and any other necessary documents to allow a student's employer to pay the full cost of the program, allow a

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student's employer to pay the student for time spent taking classes and to allow a student to be employed by the clinical training site or any other health care facility during nursing assistant training courses. This bill proposed to require the Department of Human Services, the Department of Education and the State Board of Nursing to report to the Joint Standing Committee on Health and Human Services by November 1, 2001.

Committee Amendment "A" (H-378) proposed to amend the resolve by specifying that the changes in rules required for training for certified nursing assistants must be compatible with federal law and regulation. The amendment proposed to specify that the Department of Human Services is not obligated for additional costs as a result of the provisions of the resolve. It also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 39 expands access to certified nursing assistant training programs by requiring the Department of Human Services, the Department of Education and the State Board of Nursing to expand their policies, procedures, forms and any other necessary documents to allow a student's employer to pay the full cost of the program, to allow a student's employer to pay the student for time spent taking classes and to allow a student to be employed by the clinical training site or any other health care facility during nursing assistant training courses. It specifies that the changes in rules required for training for certified nursing assistants must be compatible with federal law and regulation. This resolve specifies that the Department of Human Services is not obligated for additional costs. This resolve also requires the Department of Human Services, the Department of Education and the State Board of Nursing to report to the Joint Standing Committee on Health and Human Services by November 1, 2001.

LD 451 **An Act to Create Accountability for Money Spent on Auto Insurance for Participants in the Temporary Assistance for Needy Families Program** **ONTP**

<u>Sponsor(s)</u> KASPRZAK DAVIS P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 451 proposed to require automobile insurance paid by the Department of Human Services through the emergency assistance or alternative aid through the Temporary Assistance for Needy Families program to be paid directly to the insurance carrier or agency and any refund to be paid to the department.

LD 453 **An Act to Recognize the Special Circumstances of Border Hospitals** **ONTP**

<u>Sponsor(s)</u> ANDREWS LEMONT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 453 proposed to require that the special circumstances affecting border hospitals be taken into consideration in all matters involving their licensure and regulation by the Department of Human Services, including certificate of need decisions, and in all matters involving their arrangements with health insurance carriers.

See also LD 1545.

LD 462

An Act to Clarify the Substance Abuse Law

PUBLIC 26

Sponsor(s)
MARTIN
DAIGLE

Committee Report
OTP

Amendments Adopted

LD 462 proposed to repeal the Long-term Narcotic Dependency Treatment Project since the Federal Government has ruled parts of it unconstitutional. It also proposed to repeal a related section that was contingent on the commencement of the project.

Enacted law summary

Public Law 2001, chapter 26 repeals the Long-term Narcotic Dependency Treatment Project since the federal government has ruled parts of it unconstitutional. It repeals a related section that was contingent on the commencement of the project.

LD 465

Resolve, to Provide Medicaid Reimbursement for Service Dogs and Companion Animals

ONTP

Sponsor(s)
DOUGLASS
O'NEIL

Committee Report
ONTP

Amendments Adopted

LD 465 proposed that by January 1, 2002, the Department of Human Services amend its rules regarding reimbursement under the Medicaid program to provide for reimbursement for the purchase and maintenance of a service dog or companion animal by a person enrolled in the Medicaid program if the use of the dog or animal was prescribed by a physician. These rules would have been routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

LD 473

An Act to Provide 4 Additional Personnel to the Department of Human Services Community Services Center

ONTP

Sponsor(s)
TESSIER

Committee Report
ONTP

Amendments Adopted

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LD 473 proposed a General Fund appropriation of \$140,135 in fiscal year 2001-02 and \$181,573 in fiscal year 2002-03 for the addition of four personnel within the Department of Human Services to provide licensing services.

LD 477 An Act Directing the Department of Human Services to Annually CARRIED OVER Adjust Dental Reimbursement Rates Under the Medicaid Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN DAGGETT	OTP-AM	

LD 477 proposed to direct the Department of Human Services annually to set the Medicaid reimbursement rates for dental services to the 50th percentile of the fees published in the most recent "Survey of Dental Fees, New England Region," published by the American Dental Association.

Committee Amendment "A" (H-625) proposed to replace the bill. It proposed to direct the Department of Human Services to adjust reimbursement rates for dental services under the Medicaid program. It proposed to remove the proposed requirement of an annual adjustment. It proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

This bill was carried over to the Second Regular Session pursuant to SP 652.

LD 478 An Act to Strengthen the Maine Rx Program PUBLIC 379

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL TREAT	OTP-AM MAJ ONTP MIN	H-249

LD 478 proposed to provide notice about prescription drug pricing and the Maine Rx Program when prescription drugs are dispensed pursuant to prescription in Maine.

Committee Amendment "A" (H-249) is the majority report of the committee. It proposed to replace the bill. It proposed to limit the provisions of the bill to drugs dispensed to persons without health coverage and to brand name drugs. It proposed to allow for a separate writing to meet the requirements of the bill. It proposed to clarify the bill by dividing it into outline form. It also proposed to add a fiscal note to the bill.

See also Public Law 2001, chapter 478, (LD 30, the Errors Bill), Part E for technical corrections.

Enacted law summary

Public Law 2001, chapter 379 provides notice about prescription drug pricing and the Maine Rx Program when brand name prescription drugs are dispensed pursuant to prescription in Maine to persons without health coverage. A separate writing may be held to meet the requirements of the law.

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See also the Errors Bill, LD 30, enacted as Public Law 2001, chapter 471, Part E.

LD 479 **An Act Concerning Eligibility for ASPIRE-TANF Participation in Households where an Individual has a Physical or Mental Health Disability** **PUBLIC 335**

<u>Sponsor(s)</u> KANE PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-491
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LD 479 proposed to require that TANF recipients who care for a household member with a physical or mental health problem be considered by the Department of Human Services to fully meet their ASPIRE-TANF participation requirements. TANF recipients who have physical or mental health problems that limit their ability to work would have to be offered the opportunity to participate in ASPIRE-TANF or the Parents as Scholars Program on a voluntary basis. The department would be prohibited from sanctioning households that include members with these physical or mental health problems. The department would be required to notify ASPIRE-TANF and Parents as Scholars Program recipients of these provisions at their orientation and each time their family contract is renewed.

Committee Amendment "A" (H-491) proposed to replace the bill. It proposed to establish a procedure for the imposition of sanctions in the TANF and ASPIRE-TANF programs, require reporting on the imposition of sanctions, proposed to require a determination when a claim of good cause for nonparticipation is claimed and proposed to require documentation of good cause claim determinations and the imposition of sanctions. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 335 establishes a procedure for the imposition of sanctions in the TANF and ASPIRE-TANF programs, requires reporting on the imposition of sanctions, requires a determination when a claim of good cause for nonparticipation is claimed and requires documentation of good cause claim determinations and the imposition of sanctions.

LD 525 **An Act to Improve Access to Residential Care in Rural Maine** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> LOVETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-240
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LD 525 proposed to allow the use of "nursing facility flex beds," through which nursing facilities would be allowed to use a designated number of beds for nursing or residential care. This bill proposed to allow a resident to remain in that resident's current nursing facility, even if that resident's care needs fluctuate between nursing facility and residential care levels. This bill proposed to allow nursing facilities reimbursement in such circumstances, in accordance with the level of care provided and in accordance with rules adopted by the Commissioner of Human

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Services. This bill proposed to direct the Department of Human Services to seek federal matching funds for a pilot project utilizing nursing facility flex beds.

Committee Amendment "A" (H-240) proposed to add an appropriation section and a fiscal note to the bill.

LD 539 **An Act Regarding Commercial Swimming Pools and Hot Tubs** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRACY LEMONT	ONTP	

LD 539, a concept draft pursuant to Joint Rule 208, proposed to require or encourage commercial facilities with swimming pools and hot tubs to use an alternative to chlorine.

LD 540 **Resolve, to Coordinate and Improve Access To Health Care for Women** **RESOLVE 25**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACOBS TREAT	OTP-AM	H-242

LD 540 proposed to direct the Department of Human Services, Bureau of Health to establish a coordinator for women's health services and build partnerships with community-based organizations, academic institutions and federal agencies. The resolve proposed to allocate funds for such a position, contingent on the receipt of federal funds for that purpose.

Committee Amendment "A" (H-242) proposed to add an allocation section and a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 25 directs the Department of Human Services, Bureau of Health to establish a coordinator for women's health services and build partnerships with community-based organizations, academic institutions and federal agencies. The resolve also allocates funds for such a position, contingent on the receipt of federal funds for that purpose.

LD 549 **Resolve, to Improve the Accessibility of Nursing Facility Services for Consumers with Chronic Conditions** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	ONTP	

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LD 549 proposed to protect consumers whose chronic medical conditions temporarily improved, thereby causing them to lose eligibility for nursing facility level care. This resolve proposed to direct the Department of Human Services to amend its rules to ensure that consumers could retain eligibility for nursing facility level care if they had moved 3 times in a 9-month period and had also lost such eligibility at least once within that same time period.

LD 556

An Act to Increase Eligibility for Health Care Benefits

ONTP

<u>Sponsor(s)</u> MARRACHE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 556 proposed to raise the eligibility level for the Cub Care program from 200% to 300% of the federal nonfarm income official poverty line and set premium levels. The bill proposed to direct the Department of Human Services to amend its rules regarding eligibility for the Medicaid buy-in program for persons with disabilities. Individuals whose family income was less than 350% of the federal nonfarm income official poverty line and who would be considered to be receiving supplemental security income benefits, except for their earned income, would have been designated as a categorically needy eligibility group, under the rules. The rules also would have eliminated separate caps on earned and unearned income. The rules would have been designated as routine technical rules.

See also LD 1303, Public Law 2001, chapter 450.

LD 558

An Act to Add 75 Residential Care Beds Under the Medicaid Program

ONTP

<u>Sponsor(s)</u> MAYO MCALEVEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 558 proposed to provide funds in fiscal year 2001-02 and fiscal year 2002-03 to add 75 residential care beds under the Medicaid program. This bill also proposed to specify the intent of the Legislature that the Department of Human Services allocate these funds across all levels of residential care facilities.

LD 583

Resolve, to Provide Improved Access to Quality Locally Grown Foods through Expansion of the Farmers' Market Nutrition Program

ONTP

<u>Sponsor(s)</u> KILKELLY MCKEE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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Joint Standing Committee on Health and Human Services

LD 583 proposed to direct the Department of Human Services, Bureau of Health to adopt rules to allow individual farmers and farmers at farmers' markets to accept Women, Infants and Children Farmers' Market Nutrition Program coupons.

LD 611 An Act to Create a Pilot Project to Fully Implement the Maine Medical Marijuana Act of 1998 CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND QUINT		

LD 611 is a concept draft pursuant to Joint Rule 208.

This bill proposed to create a pilot program allowing one medical marijuana distribution center in the State. The center would be incorporated as a nonprofit entity managed and overseen by a diverse community group. In particular, this bill would propose the following.

1. A single nonprofit center, referred to herein as the "center," would be incorporated for the purpose of cultivating and distributing medical marijuana to individuals qualified under the Maine Medical Marijuana Act of 1998. The center would also be authorized to distribute or lend, or both, cultivation equipment, supplies and seeds to qualified individuals for cultivation for personal use.
2. The center would be overseen and managed by a community board made up law enforcement, current and former patients, patient advocates, hospice facilities, education professionals, legal community, business, pharmacists, clergy, medicine and other groups involved in the community.
3. The framework for the operation of the community board would be included in the enabling legislation. Among other things, the framework would provide for term length of board members, qualifying members as described above, civil and criminal immunity protection for board members and employees acting within the scope of the center's mission and the authorization to use Maine's nonprofit business statute as a basis for organizational structure.
4. The center would be able to charge patients for the product to help cover the cost of the center. The center would also be prohibited from securing medical marijuana from outside the State.
5. A mandatory registry system for patients using the center would be created to ensure that only qualified individuals access the center's services. The system would be maintained by the center with oversight and input from the sheriff of the county within which the center is located. Other law enforcement personnel could confirm the participation of individuals in the center's services, if necessary, through that particular sheriff's office or the center. Among other things, the registry system would consist of a photo identification card, and the center would be authorized by the patient to check with the individual's physician that the individual falls within the provisions of the Maine Medical Marijuana Act of 1998. The center would also check with the appropriate state medical board or with the statewide medical association to determine that the physician is duly licensed to practice in the State.

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6. The center would be required to keep records of patients' usage from the center in order to monitor compliance with statutory limits.
7. The center would be required to report to the Legislature within 18 months of commencement of operation. The report could also contain suggestions for additional legislation to meet needs of patients. The Legislature could then take additional action, including the authorization of additional sites with the State.
8. A person qualified under the Maine Medical Marijuana Act of 1998 who possessed appropriate documentation under the current law of that person's qualification at the time of a stop or encounter with law enforcement would not be subject to seizure of a lawful amount of marijuana or the equipment necessary to maintain, grow or consume medical marijuana.

LD 619

Resolve, to Provide Adequate Patient Care Staffing for Certain Home Care Programs

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	OTP-AM	H-632

LD 619 proposed to require contracts for home care services entered into by the Department of Human Services for the home-based care program, the Medicaid waiver program and private duty nursing and personal care services programs to contain provisions to include funding for adequate pay and employment benefits for staff providing patient care and audit mechanisms to ensure that the funding is used for those purposes. These provisions would have to be implemented beginning January 1, 2002.

Committee Amendment "A" (H-632) proposed to delete from the resolve reference to employment benefits. It proposed to provide for a pay increase of \$1 per hour for direct care workers in the Medicaid waiver program, the private duty nursing and personal care services programs and the home-based care program beginning January 1, 2002. It proposed to add an appropriation section, an allocation section and a fiscal note to the resolve.

LD 633

An Act to Require Reporting on Children's Crisis Services

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	OTP-AM	H-646 H-655 O'BRIEN J

LD 633 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to coordinate with the Department of Human Services to provide cost-based residential and community-based services to all children who qualify for those services through the Children's Mental Health Program.

Committee Amendment "A" (H-646) proposed to replace the bill. It proposed to provide a new title. It proposed to require monthly reports by the Department of Mental Health, Mental Retardation and Substance Abuse Services

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to the Children's Mental Health Oversight Committee and the joint standing committee of the Legislature having jurisdiction over health and human services matters on children's crisis services. The amendment proposed to require the accomplishment of this work within the department's existing resources.

The amendment also proposed to add a fiscal note to the bill.

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House Amendment "A" to Committee Amendment "A" (H-655) proposed to add an emergency preamble and clause to the bill to provide for an immediate effective date.

See Public Law 2001, chapter 439, Part KKK, the Part II budget.

LD 640

Resolve, to Ensure Consumer Access to Home Care Services

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	OTP-AM	H-621

LD 640 proposed to require the Department of Human Services to review and amend the rules of the Medicaid and state-funded long-term care programs regarding the right to appeal, the computation of time periods, the date of receipt of notices, appeal requests, the definition of "significant change," significant change assessments and the homebound requirement. Other issues covered by these rule changes would be the informal conference in home care programs, a report on labor force initiatives, unscheduled reassessments and barriers to eligibility and services. All rules adopted pursuant to this bill would be major substantive rules, requiring legislative review.

Committee Amendment "A" (H-621) proposed to strike from the resolve provisions on computation of time, the homebound requirement, the informal conference, a report on labor force initiatives, reassessments and barriers to receiving services. It proposed to increase the time period for sending the appeal form from 5 days to 10 days. It proposed to clarify that the "significant change" provision applies to home care programs only. It proposed to add an appropriation section, an allocation section and a fiscal note to the resolve.

LD 641

**An Act to Implement Recommendations of the Joint Advisory
Committee on Select Services for Older Persons**

P & S 22

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	OTP-AM	H-377

LD 641 proposed to appropriate \$6,625,000 for improving access to and the delivery of services to older persons with mental illness, mental retardation, aging, dementia and substance abuse problems. The bill proposed to direct the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to review and revise their rules to improve access to and the delivery of services. It proposed to require reports by February 1, 2002 regarding these issues and semiannual reports on access to and delivery of services beginning February 1, 2003. The bill proposed to provide allocations of federal money to match the General Fund appropriations.

Committee Amendment "A" (H-377) proposed to remove from the bill the appropriation and allocation sections and add a fiscal note.

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Enacted law summary

Private and Special Law 2001, chapter 22 directs the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to review and revise their rules to improve access to and the delivery of services. It requires reports by February 1, 2002 regarding these issues and semiannual reports on access to and delivery of services beginning February 1, 2003.

LD 679

An Act to Expand Access to Health Care for Adults

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	ONTP	

LD 679 proposed to require the Department of Human Services to seek federal approval by October 1, 2001 to provide Medicaid coverage to persons aged 18 to 65 with income below 150% of the federal poverty level who were not otherwise covered by Medicaid. Medicaid coverage begins 30 days following federal approval. While waiting for federal approval, the department would be required to provide medical assistance coverage to the same extent that they provide Medicaid coverage, except that the department could lower the income eligibility level to the extent necessary to keep the program within the budget appropriated for it.

See also LD 1303, Public Law 2001, chapter 450.

LD 686

Resolve, Directing the Bureau of Health to Develop a Comprehensive Plan for the Detection and Treatment of Hepatitis C

RESOLVE 26

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO GOLDTHWAIT	OTP	

LD 686 proposed to direct the Department of Human Services, Bureau of Health to develop a comprehensive plan for detection and treatment of hepatitis C.

Enacted law summary

Resolve 2001, chapter 26 directs the Department of Human Services, Bureau of Health to develop a comprehensive plan for detection and treatment of hepatitis C.

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LD 689

**An Act to Require Newborn Screening for Metabolic Abnormalities
and Genetic or Biochemical Disorders**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON	ONTP	

LD 689 proposed to require that screening be conducted of all newborn infants by hospitals, maternity homes and other maternity services. The bill proposed to require the Department of Human Services to amend its rules relating to newborn screening for metabolic, genetic and biochemical conditions to expand the types of conditions for which newborns would be screened.

LD 703

**An Act to Require that a Residential Facility for the Elderly Have
an Automatic Door at the Main Entrance**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	ONTP MAJ OTP MIN	

LD 703 proposed to require automatic doors or power-assisted doors on the entrance to nursing homes and other residential facilities for new construction and major remodeling, enlarging and renovating on or after January 1, 2002.

LD 716

**An Act to Provide for the Transfer of Assets of Hospital
Administrative District No. 1 to a Nonprofit, Nonstock Private
Corporation**

**P & S 31
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR CATHCART	OTP-AM	H-624

LD 716 proposed to allow Hospital Administrative District No. 1, which operates Penobscot Valley Hospital, to convert by merger into a private nonprofit, nonstock corporation.

Committee Amendment "A" (H-624) proposed to replace the bill. It proposed to allow Hospital Administrative District No. 1, which operates Penobscot Valley Hospital, to transfer its assets to a nonprofit, nonstock private corporation. The transfer would relieve the current towns in the district from potential liabilities of the hospital and enable the hospital to improve its facilities to better serve the people located in its service area without any financial obligations for the towns formerly comprising the district. The amendment proposed to provide for the transfer process.

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Enacted law summary

Private and Special Law 2001, chapter 31 allows Hospital Administrative District No. 1, which operates Penobscot Valley Hospital, to transfer its assets to a nonprofit, nonstock private corporation. The transfer will relieve the current towns in the district from potential liabilities of the hospital and enable the hospital to improve its facilities to better serve the people located in its service area without any financial obligations for the towns formerly comprising the district. The amendment provides for the transfer process.

Private and Special Law 2001, chapter 31 was enacted as an emergency measure effective when certification of dissolution is filed with the Secretary of State under the terms of the law.

LD 740

An Act to Provide Relief for Patients with Chronic Pain

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN MARTIN	ONTP	

LD 740, a concept draft pursuant to Joint Rule 208, proposed to amend current law to ensure that licensed physicians would not be unduly restricted in the scope or manner of prescribing medication for their patients.

LD 756

An Act to Ensure Quality Home Care Coordination Services and Improve Long-term Care Services

PUBLIC 362

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM	H-580

LD 756 proposed to establish quality improvement committees for home care services for the elderly and disabled, which would include representatives of the home care agencies, consumers, consumer advocates, health care and service providers and representatives from each area agency on aging.

The bill proposed to direct the Long-term Care Implementation Committee, established in Public Law 1999, chapter 731, Part BBBB, section 15, to monitor the work of state departments pertaining to long-term care and direct the committee to review rules pertaining to long-term care and make recommendations to the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding amendments to those rules.

Committee Amendment "A" (H-580) proposed to replace the bill. It proposed to provide for an agency that contracts to provide home care coordination for the Department of Human Services to establish a quality assurance review committee to review the provision of home care services. It proposed to specify duties for the committee and to specify which entities the annual report must be provided. It proposed to add two consumer or consumer

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advocate members to the Long-term Care Implementation Committee. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 362 requires an agency that contracts to provide home care coordination for the Department of Human Services to establish a quality assurance review committee to review the provision of home care services. It specifies duties for the committee and to which entities the annual report must be provided. It adds 2 consumer or consumer advocate members to the Long-term Care Implementation Committee.

LD 764

An Act to Establish an Ombudsman for Children and Families

**DIED ON
ADJOURNMENT**

Sponsor(s)
BOUCHER
TURNER

Committee Report
OTP-AM

Amendments Adopted
H-376

LD 764 proposed to repeal the statute that establishes the unfunded Child Welfare Services Ombudsman in the Department of Human Services. It proposed to establish the Ombudsman Office to provide ombudsman services through a contract with a nonprofit organization. The office would answer inquiries and investigate and work toward resolution of complaints regarding state services and programs, would provide information, assistance and legal representation services, may provide an outreach program, and may collect and analyze information and report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The bill proposed to provide for access to records, confidentiality of those records and immunity from civil and criminal liability.

Committee Amendment "A" (H-376) proposed to replace the bill. It proposed to combine the provisions of LD 159, LD 764 and LD 1300. It proposed to do the following:

1. Repeal the child welfare services ombudsman, a position in the Department of Human Services that has not been funded in years;
2. Establish an Ombudsman Office within the Executive Department through contract with an independent nonprofit organization;
3. Clarify that the duties of the ombudsman include serving the children and families of the State with regard to a child requesting or receiving services from the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services or the child development services system within the Department of Education;
4. Provide for penalties for persons who intentionally interfere with the performance of the ombudsman's duties and for persons who penalize or impose restrictions on a person who makes a complaint or inquiry to the ombudsman;
5. Require a report in January 2003 regarding combining other advocacy and ombudsman functions within the Department of Education, the Department of Human Services, the Department of Mental Health, Mental

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Retardation and Substance Abuse Services, the Department of Corrections and the Disability Rights Center;
and

6. Add an appropriation section and a fiscal note to the bill.

See Part II Budget, LD 855, PL 2001, chapter 439 Part X, enacting an ombudsman program using contracted services to serve families in the child welfare system.

LD 766

An Act to Improve Child Development Services

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER MITCHELL	OTP-AM	

LD 766 proposed to transfer responsibility for administering the Child Development Services System from the Department of Education to the Department of Human Services, effective July 1, 2002. The bill was jointly referred to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services.

Committee Amendment "A" (H-662) is the majority report on the bill. The amendment proposed to replace the bill and make it a resolve. The amendment proposed to direct the Commissioner of Education to review and develop a plan for reorganization of the provision of child development services required under federal law to children from birth to under 6 years of age throughout the State. The plan would provide for centralized administration of the system for delivering those services with the responsibility for decision making vested in the Department of Education in order to provide for equitable distribution of resources and services based on need across the State. The department would be required to consult with the Department of Human Services and Department of Mental Health, Mental Retardation and Substance Abuse Services. To ensure that required services are provided in a timely manner, the plan would have to also establish regional sites.

A 6-member legislative subcommittee would be established to advise the Commissioner of Education in developing the plan. The subcommittee would consist of members of the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The commissioner and subcommittee would use the services of outside consultants from national organizations in reviewing the current system and developing the reorganization plan.

The commissioner would report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by January 15, 2002. The report would be required to include the proposed reorganization plan and provide for implementation by July 1, 2002. The report would address transition issues and contain proposed implementing legislation. The joint standing committees would be authorized to introduce legislation to the Second Regular Session of the 120th Legislature to implement the plan.

The amendment proposed to add an appropriation section and a fiscal note to the bill.

Committee Amendment "B" (H-663) is the minority report on the bill. The amendment proposed to replace the bill and make it a resolve. It proposed to direct the Commissioner of Education's provider-director workgroup and

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the Maine Advisory Council on the Education of Children with Disabilities to collaborate in the review of delivery of services to children with disabilities from birth to under 6 years of age and to report to the Commissioner of Education with a preliminary report by October 10, 2001 and with a final report by January 10, 2002. The report would be required to address improved quality and consistency of services, professional development needs and ways to improve interagency coordination and collaboration.

The amendment would direct the Commissioner of Education in collaboration with the National Conference of State Legislatures, appropriate state agencies and legislative agencies and other qualified entities to conduct a survey of the families receiving services under the Child Development Services System and of the contract providers under that system. The survey would be required to address all aspects of the system and result in identification of information necessary to develop recommendations concerning whether and how the system needs to be revised.

Finally the amendment proposed to direct the commissioner to report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by January, 2000 on the results of the collaboration of the provider-director workgroup and the Maine Advisory Council on the Education of Children with Disabilities and the survey. The committee would be authorized to introduce legislation next session.

It proposed to add a fiscal note to the bill.

Committee Amendment "A" (H-662) passed in the House. The Senate indefinitely postponed the bill. The bill died between bodies.

LD 820 **An Act to Require a Public Hearing on Hospital Certificate of Need Proposals** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOUFFARD NUTTING J	ONTP	

LD 820 proposed to require the department to advertise and hold a public hearing at which an applicant for a certificate of need for the construction or modification of health care facilities would present information about the proposal and the public would be allowed to present testimony.

LD 853 **An Act to Ensure Access to Assisted Living Services Programs** **P & S 36
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE GAGNON	OTP-AM	H-489 H-508 KANE S-392 GOLDTHWAIT

LD 853 proposed to direct the Department of Human Services to develop assisted living services programs in six sites around the State. It proposed to provide funding for the sites, for a 1/2 year and then for a full year.

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This bill also proposed to establish the Commission to Study Assisted Living to study assisted living options for the State in order to develop high-quality, cost-effective programs to serve the assisted living residential and service program needs of the growing population of elderly and disabled persons in appropriate community center locations across the State.

Committee Amendment "A" (H-489) proposed to remove provisions of the bill calling for the development of 6 assisted living programs and the necessary appropriation. It proposed to add language to the study relating to housing and services that enable persons who are elderly and disabled to remain in their homes as their need for services increases. It proposed to add an appropriation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-508) proposed to increase the representation on the commission of assisted living services providers from one to two and require the commission to study and propose changes to the methods of delivery of assisted living services in the State.

Senate Amendment "A" (S-392) proposed to increase the membership to 21 members, move the starting date to August 15, 2001 and require the report to be submitted by December 5, 2001.

Enacted law summary

Private and Special Law 2001, chapter 36 establishes the 21 member Commission to Study Assisted Living to study assisted living options and report to the Joint Standing Committee on Health and Human Services by December 5, 2001.

Enacted as an emergency, this law takes effect June 27, 2001.

LD 863

Resolve, to Establish Crisis Assessment and Triage Centers for Children in the State

CARRIED OVER

Sponsor(s)
ETNIER
SMALL

Committee Report

Amendments Adopted

LD 863 proposed to direct the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to establish crisis assessment and triage centers to help keep children in crisis situations in their community and stop children who need services from being sent out of state for treatment.

This bill was carried over to the Second Regular Session of the 120th Legislature.

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LD 864

**Resolve, Directing the Children's Cabinet to Coordinate the
Compilation of a Resource Guide to Assist Crisis Intervention
Centers to Help Runaway Youth**

ONTP

Sponsor(s)
TRAHAN
KILKELLY

Committee Report
ONTP

Amendments Adopted

LD 864 proposed to direct the Children's Cabinet, through Communities for Children, to coordinate the compilation of a resource guide containing information to assist runaway youth.

LD 887

An Act to Expand the Elderly Low-cost Drug Program

ONTP

Sponsor(s)
PEAVEY
SAVAGE C

Committee Report
ONTP

Amendments Adopted

LD 887 proposed to increase the maximum income eligibility level for the Elderly Low-Cost Drug program from less than 185% of the federal poverty level to less than 189% of the federal poverty level, at 2000 income levels. The bill would have increased the income threshold approximately \$300 for a single person and \$682 for a family of 4. See also LD 50.

LD 898

An Act to Improve Public Health in the State

CARRIED OVER

Sponsor(s)
FULLER

Committee Report

Amendments Adopted

LD 898 is a concept draft pursuant to Joint Rule 208.

This bill proposed to authorize the Department of Human Services, Bureau of Health to designate Health Districts for planning and developing health promotion and disease prevention services to encourage and support equitable distribution of health promotion and disease prevention services, improve access to health care and create local leadership for activities to improve the health and well-being of Maine citizens.

This bill also proposed to provide funds to support the work of a coordinating Health District Council in each Health District. The Health District Councils, which would include the agencies, hospitals, schools and municipal governments who can assist with access to and delivery of health promotion and disease prevention services, would be responsible for ensuring that essential public health services are adequately addressed within the various elements of the health system in each region:

This bill proposed to fund the costs of the bill by increasing the cigarette tax.

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This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 905 **An Act to Amend Laws Governing Children's Mental Health Services Regarding the Informal Grievance Process** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART KANE	ONTP	

LD 905 proposed to amend the laws governing children's mental health services to allow sufficient time for mediation and discussion to reach resolution between parties in dispute. Under current law, the informal grievance process must include a written decision within one week of filing or, if mediation is requested, within two weeks of filing. This bill would have required that the process commence within five working days of filing.

LD 916 **Resolve, Authorizing the Department of Human Services to Establish a Prescription Drug Reimportation Program** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE TREAT	OTP-AM MAJ ONTP MIN	H-383

LD 916 proposed to direct the Department of Human Services to establish a prescription drug reimportation program.

Committee Amendment "A" (H-383) is the majority report of the committee. It proposed to amend the resolve to authorize the Department of Human Services to establish a prescription drug reimportation program. This authorization would be contingent upon the department obtaining approval from the federal Department of Health and Human Services for the State to establish a prescription drug reimportation program and would be further contingent upon cost savings to be realized by the citizens of the State as a result of the operation of the reimportation program. In operating the program, the State would not act as a distributor of prescription drugs. It proposed to add a fiscal note to the resolve.

See Public Law 2001, chapter 439, Part QQQ.

LD 917 **Resolve, Regarding Reimbursement for Optometrists Under the Medicaid Program** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER FERGUSON	OTP-AM	H-490

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LD 917 proposed to direct the Department of Human Services, Bureau of Medical Services by rule in the Maine Medical Assistance Manual to treat optometrists as physicians for purposes of Part B Supplemental Medicaid Insurance involving Medicare-eligible and Medicaid-eligible individuals.

Committee Amendment "A" (H-490) proposed to rewrite the resolve to direct the Department of Human Services, Bureau of Medical Services to amend the rules regarding reimbursement of optometrists to reimburse them for services provided to persons whose care is paid for in part by Medicaid and in part by Medicare without any decrease due to application of crossover claims rules. This amendment proposed to add an appropriation section, an allocation section and a fiscal note to the resolve.

See Public Law 2001, chapter 439, Part RRR.

LD 920	Resolve, to Require Medicaid Reimbursement for Independent Living Services and Skills Training Provided to Nursing Facility Residents Returning to the Community	ONTP
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<u>Sponsor(s)</u> SCHNEIDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 920 proposed to direct the Department of Human Services to adopt rules to amend its state plan to provide Medicaid reimbursement to licensed independent living specialists who provide independent living services to nursing facility residents who have established a plan for relocating back to the community.

LD 921	Resolve, to Create a State-run Pharmacy Benefits Manager	RESOLVE 38
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<u>Sponsor(s)</u> LEMOINE TREAT	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-251
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LD 921 proposed to authorize the Department of Human Services to establish a position of state-run pharmacy benefits manager.

Committee Amendment "A" (H-251) proposed to amend the resolve by authorizing the Department of Human Services to undertake the functions of pharmacy benefits management. It proposed to require the department to report to the Joint Standing Committee on Health and Human Services regarding any actions taken by the department with regard to the functions of pharmacy benefits management. The report would include recommendations for future action by the department and information on necessary action by the Legislature. The amendment proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 38 authorizes the Department of Human Services to undertake the functions of pharmacy benefits management. It requires the department to report to the Joint Standing Committee on Health and Human

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Services regarding any actions taken by the department with regard to the functions of pharmacy benefits management. The report must include recommendations for future action by the department and information on necessary action by the Legislature.

LD 923 **An Act to Require That the Principles for Reimbursement for Private Nonmedical Institutions and Board and Care Institutions be Major Substantive Rules** **PUBLIC 404**

<u>Sponsor(s)</u> BROOKS LONGLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-608
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LD 923 proposed to require that rules concerning the principles for reimbursement for private, nonmedical and board and care institutions be major substantive rules.

Committee Amendment "A" (H-608) proposed to remove a word that was used in the title in error and remove the emergency language from the bill. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 404 requires that rules concerning the principles for reimbursement for private, non-medical and board and care institutions be major substantive rules.

LD 961 **An Act to Expand Benefits Under the Elderly Low-cost Drug Program** **CARRIED OVER**

<u>Sponsor(s)</u> DUDLEY MARTIN	<u>Committee Report</u>	<u>Amendments Adopted</u> H-492
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LD 961 proposed to add depression and diabetic supplies to the basic component list of the Elderly Low-Cost Drug program.

Committee Amendment "A" (H-492) proposed to provide a maximum copayment of 50% for prescription and nonprescription drugs for the treatment of depression. The amendment proposed to remove supplies related to diabetes from the expansion of the basic component of the Elderly Low-Cost Drug program as these are addressed in other legislation. The amendment proposed to provide that rules adopted regarding copayments by recipients in the Elderly Low-Cost Drug program are routine technical rules. The amendment proposed to add an appropriation and a fiscal note to the bill.

This bill was carried over to the Second Regular Session of the 120th Legislature pursuant to SP 652.

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See Public Law 2001, chapter 439, Part HH for addition of diabetic supplies to the basic component of the Elderly Low-cost Drug Program.

LD 964 **An Act to Add Cancer Drugs to the Elderly Low-cost Drug Program** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER SMALL	OTP-AM	H-382

LD 964 proposed to include drugs and medications for cancer in the Elderly Low-Cost Drug program.

Committee Amendment "A" (H-382) proposed to provide a maximum copayment of 50% for drugs and medications for the treatment of cancer. The amendment proposed to provide that rules adopted regarding copayments by recipients in the Elderly Low-Cost Drug program are routine technical rules. The amendment proposed to add an appropriation and a fiscal note.

LD 1002 **An Act Regarding Nursery School Rules** **PUBLIC 266**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP MAJ ONTP MIN	

LD 1002 proposed to authorize the Department of Human Services to adopt rules for the safe operation of nursery schools.

Enacted law summary

Public Law 2001, chapter 266 authorizes the Department of Human Services to adopt rules for the safe operation of nursery schools.

LD 1003 **Resolve, to Increase the Reimbursement Rate for Certain Behavioral Specialists** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL	ONTP	

LD 1003 proposed to direct the Department of Human Services to increase the reimbursement rate for certain Behavioral Specialist I positions and to reimburse each Behavioral Specialist I for work-related travel time and mileage.

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LD 1005

An Act to Inform Consumers About Prescription Drug Prices

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON FULLER	ONTP	

LD 1005 proposed to require the Department of Human Services to regularly publish drug price information for commonly used prescription drugs in a manner that would allow patients and their health care providers to make better choices of therapeutically equivalent, but less costly, drugs.

LD 1006

Resolve, to Retain Direct Care Workers for Persons with Mental Retardation

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM MAJ ONTP MIN	S-161

LD 1006 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to adjust contracts with providers of services to persons with mental retardation to provide a cost-of-living increase for direct care workers. It proposed to require the Department of Human Services to rebase the principles of reimbursement established for intermediate care facilities for persons with mental retardation to provide reasonable reimbursement for employee pension plans.

Committee Amendment "A" (S-161) is the majority report of the Joint Standing Committee on Health and Human Services. The amendment proposed to clarify that the pay increase would apply to persons providing services to adults with mental retardation. It proposed to remove from the resolve the provision that would have required the Department of Mental Health, Mental Retardation and Substance Abuse Services to pay for pension costs for direct care mental retardation workers. It proposed to add an appropriation, an allocation and a fiscal note to the resolve.

See Public Law 2001, chapter 358, Part FF, appropriating funds for a 2.5% wage increase for direct care workers in mental health and mental retardation contract agencies.

LD 1021

Resolve, Extending the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security

RESOLVE 63

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	OTP-AM	H-147 S-381 GOLDTHWAIT

Joint Standing Committee on Health and Human Services

LD 1021 proposed to clarify the reporting dates for the Maine Millennium Commission on Hunger and Food Security.

Committee Amendment "A" (H-147) proposed to add an appropriation and a fiscal note to the resolve.

Senate Amendment "A" (S-381) proposed to move the reporting deadline from December 15, 2001 to December 5, 2001.

Enacted law summary

Resolve 2001, chapter 63 clarifies the reporting dates for the Maine Millennium Commission on Hunger and Food Security and requires a final report by December 5, 2001.

LD 1022 **An Act to Require Full Disclosure of Prescription Drug Marketing Costs** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM MAJ	H-517
BROMLEY	ONTP MIN	S-304 NUTTING J

LD 1022 proposed to require companies that sell prescription drugs in the State to make available for public inspection all costs associated with marketing the drugs.

Committee Amendment "A" (H-517) is the majority report of the committee. The amendment proposed to replace the bill. It proposed to provide for annual reports of the activities and costs of prescription drug marketing, advertising and promotion by prescription drug manufacturers and labelers. It proposed to add a statement of purposes for the collection of drug marketing cost information. The reports would be filed with the Department of Human Services and a fee paid to support the work required by the department with regard to the marketing information. It proposed to designate all information not protected by law, rule or regulation as public information. It proposed to require an annual report to the Legislature by October 31st each year. It proposed to add an allocation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-304) proposed to exempt costs associated with advertising purchased for a regional or national market that includes advertising within this State from the reporting requirement regarding costs of prescription drug marketing, advertising and promotion by prescription drug manufacturers and labelers.

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LD 1024

An Act to Extend the Youth in Need of Services Oversight Committee

**PUBLIC 445
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT CATHCART	OTP-AM	H-207 S-390 GOLDTHWAIT

Under current law, the Youth in Need of Services Oversight Committee is scheduled for repeal on June 30, 2001. LD 1024 proposed to remove the repealer from that section of law to ensure the continuation of the committee.

Committee Amendment "A" (H-207) proposed to extend the work of the Youth in Need of Services Oversight Committee until December 1, 2001. It proposed to add an appropriation to fund the committee and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-390) proposed to extend the work of the Youth in Need of Services Pilot Program and the oversight committee until June 30, 2002.

Enacted law summary

Public Law 2001, chapter 445 extends the work of the Youth in Need of Services Pilot Program and Oversight Committee until June 30, 2002. It limits the oversight committee to three meetings.

Public Law 2001, chapter 445 was enacted as an emergency measure effective June 27, 2001.

LD 1033

An Act to Make Child Care More Accessible for Parents in Transition From Welfare to Work

PUBLIC 338

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON LONGLEY	OTP-AM	H-493

LD 1033 proposed to provide that child care assistance provided to participants in the Temporary Assistance to Needy Families program who are engaged in paid work must be paid directly to the participant's child care provider by the Department of Human Services in a prompt manner that permits the participant to access child care without paying for it out-of-pocket in advance.

Committee Amendment "A" (H-493) proposed to replace the bill. It proposed to provide for the determination of TANF benefit levels for TANF recipients who have child care costs. It proposed to allow TANF recipients to pay their child care costs themselves, with the assistance provided by the Department of Human Services, or they may elect to have the department's assistance paid directly to the child care provider. It proposed to require the department to adopt rules to implement the child care assistance provisions. These rules would be routine technical rules. It proposed to require the direct payment of child care assistance to be implemented no later than March 1, 2002. It proposed to allow the transfer of funds from the ASPIRE-TANF account to the TANF account for the payment of child care assistance. The amendment also proposed to add a fiscal note to the bill.

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Enacted law summary

Public Law 2001, chapter 338 provides for the determination of TANF benefit levels for TANF recipients who have child care costs. It allows TANF recipients to pay their child care costs themselves, with the assistance provided by the Department of Human Services, or they may elect to have the department's assistance paid directly to the child care provider. It requires the department to adopt rules to implement the child care assistance provisions. These rules are routine technical rules. It requires the direct payment of child care assistance to be implemented no later than March 1, 2002. It allows the transfer of funds from the ASPIRE-TANF account to the TANF account for the payment of child care assistance.

LD 1040 **An Act to Assist Low-income Families with the Purchase or Repair of Vehicles** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> SNOWE-MELLO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-592
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LD 1040 proposed to establish the Drive ME Wheels-to-work Program and require the Commissioner of Human Services to adopt rules to implement the program, which would provide loans for the purchase of used vehicles and for the purchase of repair and maintenance services to people who receive assistance through the federal Temporary Assistance for Needy Families program. The loans would be provided through community action agencies at below-market rates. The bill proposed to create a revolving loan fund to finance the program and provide an appropriation.

Committee Amendment "A" (H-592) proposed to replace the bill. It proposed to appropriate \$200,000 to continue an initiative within the Department of Human Services to assist low-income families with the purchase or repair of vehicles. It proposed to add a fiscal note to the bill.

LD 1072 **An Act to Ensure that Parents of Children Prescribed Psychotropic Drugs Receive Adequate Information** **ONTP**

<u>Sponsor(s)</u> WESTON PENDLETON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1072 proposed to require a practitioner, prior to prescribing a psychotropic drug to a person under 18 years of age, to ensure that the person's parent or guardian fully understood the information concerning the drug, including the drug's side effects.

Joint Standing Committee on Health and Human Services

LD 1085

Resolve, to Improve Staffing in Health Care Settings

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON FULLER		

LD 1085 proposed to require the Department of Human Services to amend its rules regarding the licensing of health care facilities, including, but not limited to, home care, acute care and long-term care settings; residential care facilities; hospitals; and other health care facilities to require staffing levels based on patient acuity level. The rules would base appropriate staffing for licensing purposes on patient acuity level as determined by a professional nursing assessment done by a professional registered nurse of patient physical, behavioral and psycho-social status and need for health care. The rules, which would be routine technical rules, would be adopted by January 1, 2002.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1093

An Act to Expand the Use of Tobacco Settlement Funds to Support Existing School-based Health Centers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J FULLER	ONTP	

LD 1093 proposed to require that both new and existing school-based health centers be eligible for grants provided with funds from the Fund for a Healthy Maine.

LD 1094

Resolve, to Require Medicaid Reimbursement to Persons with Brain Injuries

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J BERRY R	ONTP	

LD 1094 proposed to direct the Department of Human Services to adopt rules to amend its state plan to provide Medicaid reimbursement for full services to persons with brain injuries.

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LD 1107 **Resolve, to Exclude Certain Income Earned by Personal Care Assistants from Eligibility Requirements for State Assistance** **ONTP**

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1107 proposed to direct the Department of Human services to adopt rules to amend its Medicaid household income eligibility requirements by exempting income derived by a member of the household for providing personal care assistant services to another member of the same household.

LD 1124 **Resolve, to Promote More Flexible Use of the Long-term Care Workforce** **ONTP**

<u>Sponsor(s)</u> FULLER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1124 proposed to direct the State Board of Nursing to review its rules to identify how those rules could be amended to allow broader delegation. This resolve also proposed to direct the State Board of Nursing to report the results of its review, including the progress of any proposed rulemaking, to the Joint Standing Committee on Health and Human Services no later than February 1, 2002.

LD 1125 **Resolve, Directing the Department of Human Services to Adjust the Cap on Direct-care Staff Costs for Residential Care Facilities** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> FULLER PENDLETON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-622
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LD 1125 proposed to direct the Department of Human Services to amend the rules regarding reimbursement for residential care facilities under the Medicaid program to increase the cap on direct-care costs in order to allow for staff salaries sufficient to address labor market issues in higher-cost areas of the State.

Committee Amendment "A" (H-622) proposed to strike the resolve and directs the Department of Human Services to amend the rules regarding reimbursement for residential care facilities under the Medicaid program to increase the cap on direct-care costs. It proposed to require an inflation adjustment applicable to the industry and specific to the region of the State in which the facility is located. It proposed to add appropriation and allocation sections and a fiscal note.

See also Public Law 2001, chapter 358, Part FF.

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LD 1137

An Act to Clarify the Relationship between State Agencies and Faith-based Organizations Regarding Charitable Choice Options

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDOUGALL	ONTP MAJ	
MCALEVEY	OTP-AM MIN	

LD 1137 proposed to clarify the relationship between state agencies and faith-based organizations in the provision of contracted goods or services, particularly goods or services provided under the Maine Revised Statutes, Title 22. The bill also proposed to specify the limitations on such contracts and require the Commissioner of Human Services to designate a liaison to faith-based organizations in each service delivery region.

Committee Amendment "A" (H-250), the minority report of the Joint Standing Committee on Health and Human Services, proposed to amend the bill by adding a fiscal note.

LD 1151

Resolve, to Provide Adequate Reimbursement for Durable Medical Equipment

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM MAJ	H-683
WOODCOCK	ONTP MIN	

LD 1151 proposed to require the Department of Human Services to amend the rules under the Medicaid program regarding reimbursement for durable medical equipment to repeal the rules adopted in 2000 and to improve the reimbursement process and increase the reimbursement level. The rules would be major substantive rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A. The new rules would be in effect by October 1, 2001.

Committee Amendment "A" (H-683) proposed to replace the resolve. It proposed to require rulemaking regarding reimbursement for durable medical equipment in four areas. It proposed to require a report to the Joint Standing Committee on Health and Human Services by January 15, 2002. It proposed to add an appropriation, an allocation and a fiscal note to the bill.

LD 1167

An Act to Disclose Prescription Drug Marketing Activities

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	ONTP	
MAYO		

LD 1167 proposed to require prescription drug manufacturers, wholesalers and labelers to register persons employed by them to make informational, educational and sales presentations in this State. It proposed to require the reporting of information about those activities. It proposed to require reports of the average wholesale price of

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certain drugs, the lowest prices for which those drugs were sold and any rebates or discounts applicable to those drugs. It proposed to require certain disclosures for persons making informational, educational and sales presentations. The bill proposed to charge the Bureau of Medical Services within the Department of Human Services with implementing the law and with providing for public access to nonconfidential information and with preparing an annual report. The bill proposed to make a violation of the registration or the disclosure requirements a civil violation enforceable by the Attorney General. The bill proposed to authorize the Department of Human Services to adopt rules as necessary to implement the law.

See also LD 1022.

LD 1172 **An Act to Exempt from the Smoking Ban Tobacconists Who Sell or Serve Food or Alcohol** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	ONTP	

LD 1172 proposed to allow smoking in a shop as long as at least 3/5 of the shop's revenue was derived from sales of tobacco and tobacco-related products even if alcohol or food was sold or served on the premises. This bill also proposed to increase the square footage limitation to 2,500 square feet.

LD 1178 **Resolve, Directing the Department of Human Services to Adopt Rules Regarding the Indian Health Clinic** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	ONTP	

LD 1178 proposed to require the Department of Human Services to adopt rules to provide Indian health clinics with the highest possible levels of reimbursement.

LD 1180 **An Act to Improve Handicap Accessibility in Lodging in Maine** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELANGER KNEELAND	ONTP	

LD 1180 proposed to require that, when the Department of Human Services performs an inspection, it also inspects the lodging place to determine whether it was in compliance with the standards for public access established under the Maine Human Rights Act. If the lodging place were to be found not in compliance, the department would have been required to provide the owner or manager with a written recommendation for bringing the lodging place into compliance. The department would not have take any other action regarding the noncompliance.

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LD 1182 **Resolve, to Direct the Department of Human Services to Establish Guidelines Governing Procedures for Giving Injections** **ONTP**

<u>Sponsor(s)</u> TRACY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1182 proposed to direct the Department of Human Services to establish guidelines for giving injections and for the use of rubber gloves.

LD 1187 **Resolve, to Provide Access to Personal Care Assistant Home Care Services** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> SAVAGE W	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-509
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LD 1187 proposed to direct the Department of Human Services to adopt rules to amend its method of reimbursement for personal care assistant home care programs to provide an average cost of services.

Committee Amendment "A" (H-509) is the majority report of the committee. It proposed to remove the requirement of an inflation adjustment in the cost-based reimbursement for personal care assistant home care programs. The amendment proposed to require the Commissioner of Human Services to review reimbursement for all personal care assistant services in home care programs when conducting the review required of reimbursement rates for consumer-directed personal care assistant home care services. It proposed to add an appropriation section, allocation section and a fiscal note to the resolve.

LD 1188 **An Act to Provide for the Withdrawal of a Municipality from Hospital Administrative District No. 1 in Penobscot County** **ONTP**

<u>Sponsor(s)</u> BUNKER CATHCART	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1188 proposed to require Hospital Administrative District No. 1 to pay its bonds, notes and indebtedness in the order that they were incurred and to establish for each bond, note or other indebtedness the municipalities that were members of the district at the time the bond, note or other indebtedness was incurred. This bill proposed to allow a municipality to withdraw from the hospital administrative district and, in the event the district was required to issue an assessment for the levy of taxes, hold the municipality responsible for bonds, notes or other indebtedness incurred while the municipality was a member of the district. LD 1188 would apply only to Hospital Administrative District No. 1.

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See also LD 716.

LD 1194 **An Act to Alleviate the Shortage of Pediatric Dentists in Maine** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> FULLER KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-579
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LD 1194 proposed to establish a grant program to attract pediatric dentists to the State.

Committee Amendment "A" (H-579) proposed to amend the Maine Pediatric Dental Recruitment Incentive provisions of the bill. It proposed to allow an awardee to receive a grant based on establishing residency and a pediatric dental practice and committing in writing to practicing for at least one year and to serving children in the Medicaid and Cub Care programs. It proposed to replace the appropriation section and add a fiscal note to the bill.

See Public Law 2001, chapter 439, Part NNN for study funding.

LD 1208 **An Act to Plan for the Delivery of Developmental Disabilities and Autism Services** **CARRIED OVER**

<u>Sponsor(s)</u> LONGLEY	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1208 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to take the lead in planning for the development of comprehensive developmental disabilities and autism services for children and families. The bill proposed to require a planning process that involves state agencies, providers of services, professionals and children and families. The bill proposed to require a report by February 1, 2002 to the Joint Standing Committee on Health and Human Services that would include a plan for the development of services.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1209 **An Act to Assist Families in Meeting their Basic Needs** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> RAND DUDLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-238
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LD 1209 proposed to require the Department of Human Services to increase the maximum Temporary Assistance for Needy Families payments by 10% effective on July 1, 2001 and thereafter to annually increase benefits so that

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Maine reaches benefit levels equivalent to the average benefit level for a family of three in the other New England states in 2004 by July 1, 2005. Those families receiving the housing special need payment without interruption since January 1, 2001 would not lose that housing special need payment as a result of the increase. The bill proposed to require that on February 15, 2005, the department report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the adequacy of the Temporary Assistance for Needy Families benefit levels.

Committee Amendment "A" (S-238) proposed to replace the bill. It proposed to provide Federal Block Grant Fund allocations to the Temporary Assistance for Needy Families program within the Department of Human Services totaling \$2,377,295 and \$2,377,295 in fiscal years 2001-02 and 2002-03, respectively, to provide a 5% increase in the maximum level of assistance in the TANF program.

Beginning with the 2004-2005 biennium, the Department of Human Services would be required to include funding for the 5% benefit increase within its current services budget request.

This amendment proposed to add an allocation section to fund the TANF increase and a fiscal note to the bill.

See Part II budget, Public Law 2001, chapter 439, Part CC.

LD 1216	Resolve, to Create the Task Force to Study the Various Effects of Maine's Long-term Care System	ONTP
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<u>Sponsor(s)</u> LONGLEY KANE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1216 proposed to create the Task Force to Study the Various Effects of Maine's Long-term Care System.

LD 1219	An Act to Ensure Continuity of Services from Private Nonmedical Institutions	ONTP
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<u>Sponsor(s)</u> QUINT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1219, a concept draft pursuant to Joint Rule 208, proposed to hold agencies financially and legally harmless from any change in the Department of Human Services' rules regarding private, nonmedical institutions. The bill also proposed to prevent the department from financially or legally penalizing providers of private, nonmedical institution services.

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LD 1226 **An Act to Increase the Amount of Income That May Be Retained
by a Nursing Home Resident** **ONTP**

<u>Sponsor(s)</u> CHICK KILKELLY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1226 proposed to require the Department of Human Services to adopt rules increasing the amount of income that could be retained by residents of nursing facilities.

LD 1231 **An Act to Provide an Advocate Program for Disabled Persons in
Court-like Proceedings** **ONTP**

<u>Sponsor(s)</u> NORBERT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1231 proposed to establish an advocate program in the Department of Human Services, Bureau of Health to provide assistance to disabled persons in hearings or proceedings relating to the care of disabled persons.

LD 1237 **Resolve, to Provide Resources for Youth who are Homeless or At
Risk of Homelessness** **ONTP**

<u>Sponsor(s)</u> QUINT CATHCART	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1237 had three separate components. The first component proposed to create an additional Homeless Youth Demonstration Project, referred to in this summary as the "project," to operate sites at which the project would develop and deliver creative, innovative and collaborative nontraditional services to unaccompanied youths and at-risk youths. The project would be administered jointly by the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services along with a stakeholders' group composed of interested organizations and individuals organized by the departments for both sites. The project would report back to the Legislature with an evaluation including measurable outcomes and recommended implementing legislation by February 1, 2002. LD 1237 proposed to appropriate \$300,000 to fund the project.

The other two components included continuations of ongoing, collaborative work created by the original demonstration projects in both Region 1 and Region 3. The bill also proposed to support efforts to address the ongoing needs of homeless and at-risk youths in each of those two regions.

See also LD 218 and 1024.

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LD 1240 **Resolve, Concerning Consumers of Long-term Care Services Who Have Chronic Conditions that Change** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT	ONTP	

LD 1240 proposed to protect consumers whose chronic medical conditions temporarily improved, thereby causing them to lose eligibility for nursing facility level care. This resolve proposed to direct the Department of Human Services to amend its rules to ensure that consumers could retain eligibility for nursing facility level care if they had moved three times in a 9-month period and had also lost such eligibility at least twice within that same time period.

LD 1256 **An Act to Adopt the Charitable Choice Provision in this State** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDOUGALL	ONTP MAJ	
MCALEVEY	OTP MIN	

LD 1256 proposed to enact into state law the charitable choice provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The bill also proposed to authorize state agencies that provide social services to contract with faith-based organizations as defined in Section 104 of the federal Personal Responsibilities and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105, 42 USC 604a.

LD 1267 **An Act to Discourage Sales of Tobacco to Minors** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	ONTP MAJ	
BENNETT	OTP-AM MIN	

LD 1267 proposed to discourage the illegal sale of tobacco products to minors by ensuring that both the person who made the sale and the owner of the establishment were prosecuted. The bill further proposed to penalize minors for attempting to purchase tobacco and would give the court the authority to suspend the driver's license of a minor after adjudication. The bill also proposed to provide uniformity in penalties for all tobacco sellers.

Committee Amendment "A" (H-597), the minority report of the committee, proposed to retain the provisions of the bill that prohibited minors from attempting to purchase tobacco products and that required fines, suspensions and revocations be applied against licensees on a per license basis. The amendment also proposed to add a fiscal note to the bill.

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LD 1289

An Act to Reimburse Restaurants for the Cost of Testing Water

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G TURNER	ONTP	

LD 1289 proposed to require the Department of Human Services to reimburse restaurants from the operation fee for the drinking water program for the cost of annual testing for bacteria and nitrate content. The cost of this test is estimated at \$22 per year.

LD 1300

**An Act to Establish the Child Ombudsman Office and Improve
Child Protective Procedures**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIELDS	ONTP	

LD 1300 proposed to:

1. Repeal the statute that established the unfunded Office of Child Welfare Services Ombudsman within the Department of Human Services;
2. Establish the Child Ombudsman Office to provide ombudsman services to children and families through a contract with a nonprofit organization that the Governor found free of potential conflict of interest and best able to provide services on a statewide basis. The office would answer inquiries and investigate and work toward resolution of complaints regarding services and programs for children and families, provide information, assistance and legal representation services, provide an outreach program, collect and analyze information and would report to the Joint Standing Committee on Health and Human Services;
3. Provide for access to records, confidentiality of those records and immunity from civil and criminal liability;
4. Require a report by January 31, 2002 on transferring authority for other child ombudsman and advocacy programs and services and the funding associated with those programs and services to the Child Ombudsman Office. It would have allowed the Joint Standing Committee on Health and Human Services to submit legislation to the 120th Legislature transferring funding and authority for services to the Child Ombudsman Office;
5. Provide criminal penalties for willfully obstructing or hindering the ombudsman; and
6. Provide an effective date of January 1, 2002.

See also LD 764 and the Part II budget, Public Law 2001, chapter 439, Part X.

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LD 1302

An Act to Enhance Access to Health Care in Maine

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL MARTIN	ONTP	

LD 1302 proposed a number of provisions to enhance access to health care and update the laws covering the Department of Human Services and the Maine Health Data Organization. The bill also proposed to do the following:

1. Require the Maine Health Data Organization to make its data available to the Department of Human Services for comprehensive health planning;
2. Require the Maine Health Data Organization to adopt rules for the use of a uniform billing form to be effective July 1, 2002;
3. Require any savings realized as a result of using the uniform billing form by the Department of Corrections, the Department of Education, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to be deposited in a dedicated fund established to increase access to health care;
4. Establish the Commission to Study the Challenges of Community Nonprofit Hospitals to study and make recommendations on the roles of community nonprofit hospitals through the 21st century;
5. Change the name of the Department of Human Services to "Department of Health and Human Services" and change the name of the Bureau of Medical Services to "Bureau of Health and Medical Services." The bill proposed to contain transition language pending full amendment to state laws, federal plans and program information and departmental contracts and written obligations;
6. Change the names of the Medicaid and Cub Care programs to "MaineCare program" effective January 1, 2002. The bill proposed transition language pending full amendment to state laws, federal plans and program information and departmental contracts and written obligations;
7. Require providers of health care services to develop the ability to file claims electronically for their services by July 1, 2002 and require 50% of all claims to be filed electronically by July 1, 2003. It proposed to require insurance carriers, nonprofit hospital and medical service organizations and health maintenance organizations to accept claims filed electronically and require those entities to provide technical assistance to providers regarding electronic claims filing from October 1, 2001 to September 1, 2002; and
8. Allow dental hygienists to practice dental hygiene under the general supervision of a dentist in public health settings. "Public health setting" was defined as a public or private school, hospital, clinic, nursing facility or other institution or health care facility or nontraditional practice setting.

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LD 1303

An Act to Increase Access to Health Care

PUBLIC 450

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL	OTP-AM MAJ	H-757 KANE
MARTIN	OTP-AM MIN	

LD 1303 contains a number of provisions to expand access to health care and increase the cigarette tax. This bill proposed to do the following:

1. Increase income eligibility for the Medicaid program for parents and caretaker relatives of children receiving Medicaid coverage from 150% to 200% of the nonfarm income official poverty line;
2. Provide eligibility for Medicaid coverage to noncategorically eligible adults with an income up to 200% of the federal nonfarm official poverty line and to self-employed persons and sole proprietors and members of their immediate families on a buy-in basis;
3. Increase the income eligibility for children in the Cub Care program from 200% to 300% of the federal nonfarm official poverty line;
4. Provide for an enrollment period in the Cub Care program of 12 months;
5. Provide asset exemptions in the Medicaid program for adults for certain 2nd vehicles, certain savings accounts, life insurance, educational savings and savings for a single person or married person living alone of \$8,000 and for married persons living together of \$12,000. The bill proposed to require the Department of Human Services to implement an electronic benefit transfer system for the delivery of services under the Medicaid program by October 1, 2001;
6. Require the Department of Human Services to implement an electronic application system that will receive applications electronically and provide electronically a preliminary determination of eligibility;
7. Provide for 12-month enrollment periods in the Medicaid program for children and for adults to the extent possible under federal law or pursuant to a waiver;
8. Require outreach services, including Medicaid managed care ombudsman services, under the Medicaid and Cub Care programs and provide for the Department of Human Services to contract with independent entities, including participating insurance producers for outreach services and an independent nonprofit entity to provide the toll-free telephone number services;
9. Expand the basic component of the elderly low-cost drug program to cover cancer drugs. This would mean that prescription drugs for cancer would be provided to the consumer with a maximum co-pay of 20%;
10. Require the Department of Human Services to amend the rules allowing persons with disabilities to purchase coverage in the Medicaid program. The rules would maintain income eligibility limits while removing separate limits of earned and unearned income and provide eligibility for employed persons who have a medically improved disability;

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11. Allocate funds from the Maine Health Access Fund for dental health screenings and dental sealants of \$150,000 in each year;
12. Direct the Department of Human Services, Bureau of Health to undertake an initiative to expand access to primary and preventive health care. It proposed to appropriate \$2,000,000 in each year for the support of the community health centers and the federally qualified health center look-alikes. Because some of this funding would be used for Medicaid match to federal funds, the bill proposed to allocate matching federal funding;
13. Appropriate \$10,000 in each year to be used as the match for federal funds available for the Department of Human Services, Bureau of Health, Office of Health, Data and Program Management and funding for the Office for Rural Health and Primary Care;
14. Require the Department of Human Services to pursue the recovery of overcharges by prescription drug manufacturers through the Medicaid program;
15. Establish the Maine Health Access Fund to receive funds from the tobacco tax increase and allocate those funds to health care expansion initiatives;
16. Increase the tobacco tax by 25 mills per cigarette, which equals 50¢ for each package of cigarettes beginning November 1, 2001 and dedicate the tax increase to the Maine Health Access Fund; and
17. Establish the Commission to Study the Group Purchasing of Prescription Drugs.

Committee Amendment "A" (H-639) is the majority report of the committee. It proposed to replace the bill. It proposed provisions to expand access to health care. This amendment proposed the following:

1. Provide eligibility for Medicaid coverage to noncategorically eligible adults with an income up to 125% of the federal nonfarm official poverty line under a federal waiver. It proposed to begin a process of applying for a waiver to provide Medicaid coverage to self-employed persons and sole proprietors and members of their immediate families below 300% of the nonfarm income official poverty line on a buy-in basis. This self-employed and sole proprietor provision would not take effect without legislative approval granted after the approval of the waiver by the Health Care Financing Administration. It proposed to direct the Department of Human Services to undertake a study regarding health coverage for individuals, employees and employers in small businesses;
2. Increase the income eligibility for children in the Cub Care program from 200% to 250% of the federal nonfarm official poverty line;
3. Provide for an enrollment period in the Cub Care program of 12 months;
4. Provide asset exemptions in the Medicaid program for adults for certain 2nd vehicles, certain retirement savings accounts, life insurance, educational savings and savings for an individual living alone of \$8,000 and for a household of \$12,000. The amendment proposed to require the Department of Human Services to adopt rules regarding exempt assets;
5. Provide for 12-month enrollment periods in the Medicaid program for children and for adults to the extent possible under federal law or pursuant to a waiver;

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6. Expand the basic component of the elderly low-cost drug program to cover cancer drugs. This would mean that prescription drugs for cancer would be provided to the consumer with a maximum copay of 20%;
7. Require the Department of Human Services to amend the rules allowing persons with disabilities to purchase coverage in the Medicaid program. The rules would maintain combined income eligibility limits of 250% of the federal poverty line while removing a separate limit on unearned income.
8. Appropriate funds for dental health screenings and dental sealants of \$150,000 in each year;
9. Direct the Department of Human Services, Bureau of Health to undertake an initiative to expand access to primary and preventive health care. It proposed to appropriate \$1,700,000 in fiscal year 2001-02 and \$2,200,000 in fiscal year 2002-03 for the support of the federally qualified health centers, the federally qualified health center look-alikes and certain rural health clinics. Because some of this funding would be used for Medicaid match to federal funds, the amendment proposed to allocate matching federal funding;
10. Appropriate \$10,000 in each year to be used as the match for federal funds available for the Department of Human Services, Bureau of Health, Office of Health, Data and Program Management and funding for the Office for Rural Health and Primary Care;
11. Rename the Medicaid and Cub Care programs the MaineCare program; and
12. Provide funding for the provisions of the amendment and adds a fiscal note.

(Not adopted)

Committee Amendment "B" (H-640) is the minority report of the committee. It proposed to replace the bill. It proposed a number of provisions to expand access to health care. This amendment proposed to do the following:

1. Provide for an enrollment period in the Cub Care program of 12 months.
2. Provide eligibility for Medicaid coverage to noncategorically eligible adults with an income up to 125% of the federal nonfarm official poverty line under a federal waiver. It proposed to begin a process of applying for a waiver to provide Medicaid coverage to self-employed persons and sole proprietors and members of their immediate families with incomes below 300% of the nonfarm income official poverty line on a buy-in basis. This self-employed and sole proprietor provision would not take effect without legislative approval granted after the approval of the waiver by the Health Care Financing Administration. It proposed to direct the Department of Human Services to undertake a study regarding health coverage for individuals, employees and employers in small businesses;
3. Appropriate \$10,000 in each year to be used as the match for federal funds available for the Department of Human Services, Bureau of Health, Office of Health, Data and Program Management and funding for the Office for Rural Health and Primary Care;
4. Rename the Medicaid and Cub Care programs the MaineCare program; and
5. Add appropriation and allocation sections and a fiscal note to the bill.

(Not adopted)

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Senate Amendment "A" to Committee Amendment "A" (S-396) proposed to raise the cigarette tax by 7 cents effective October 1, 2001, to provide \$2,000,000 and \$2,932,333 to add cancer to the list of diseases covered by the basic component of the Elderly Low-Cost Drug Program, and to establish the Affordable Health Care Fund. (Not adopted)

House Amendment "C" to Committee Amendment "A" (H-748) proposed to raise the cigarette tax by 3 mills effective October 1, 2001, establish the Affordable Health Care Fund, fund cancer as a basic component disease in the Elderly Low-Cost Drug Program and provide some funding through use of the net operating loss carryback. (Not adopted)

House Amendment "A" (H-757) proposed to provide Medicaid coverage for adults up to 100% of the federal poverty level, with adjustment by the commissioner of Human Services up to 125% if funding permits. The amendment proposed to establish a 12-month enrollment period in the Cub Care Program. The amendment proposed to establish new asset limits in Medicaid. The amendment proposed to direct the Department of Human Services to maximize prescription drug coverage in the pending Medicaid waiver application. The amendment proposed to provide \$420,000 over the biennium for rural health care and to fund 11 positions and some costs in the Bureau of Medical Services and the Bureau of Family Independence. The amendment proposed to provide \$824,150 in FY 01-02 and \$75,000 in FY 02-03 to support rural health care and subsidies for persons enrolled in community health access programs. The amendment proposed to direct the Department of Human Services to apply for a Medicaid waiver for noncategorically eligible adults. The amendment proposed to rename the Medicaid and Cub Care programs the MaineCare program. The amendment proposed to increase the cigarette tax 3 mills (6 cents) beginning October 1, 2002. The amendment proposed to establish the Maine Health Access Fund to receive unexpended balances appropriated within the Act.

Enacted law summary

Public Law 2001, chapter 450 contains a number of provisions to expand access to health care and increase the cigarette tax. This bill also does the following.

1. It provides eligibility for Medicaid coverage to noncategorically eligible adults with incomes up to 100% of the federal nonfarm official poverty line and directs the Department of Human Services to apply for a Medicaid waiver.
2. It provides for an enrollment period in the Cub Care program of 12 months.
3. It provides asset exemptions in the Medicaid program for adults for certain 2nd vehicles and savings accounts for a single person or married person living alone of \$8,000 and for married persons living together of \$12,000.
4. It provides for 12-month enrollment periods in the Medicaid program for children and for adults to the extent possible under federal law or pursuant to a waiver.
5. It establishes the Maine Health Access Fund to receive certain unexpended balances.
6. It appropriates \$410,000 and \$10,000 for rural healthcare and \$824,150 and \$75,000 for services in health centers and clinics and to provide subsidies for persons in community health access programs.

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7. It increases the tobacco tax by 3 mills per cigarette, which equals 6 ~~cents~~ for each package of cigarettes, beginning October 1, 2001.
8. It renames the Medicaid and Cub Care programs the MaineCare program.

LD 1304

An Act to Create the Maine Health Data Processing Center

**PUBLIC 456
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER RAND	OTP-AM	H-620 H-723

LD 1304 proposed to establish the Maine Health Data Processing Center, a nonprofit organization to collect and process health care claims data in Maine. The center would be created as a public/private partnership that can capitalize on the interests, resources and efforts of each sector. The center would carry out its responsibilities with direction from the Maine Health Data Organization and the Maine Health Information Center, a private nonprofit health care data organization.

Committee Amendment "A" (H-620) proposed to replace the bill. It proposed to retain the provisions of the bill that establish the Maine Health Data Processing Center, a nonprofit organization to collect and process health care claims data in Maine. The center would be created as a public/private partnership that would capitalize on the interests, resources and efforts of each sector. The center would carry out its responsibilities with direction from the Maine Health Data Organization and the Maine Health Information Center, a private nonprofit health care data organization. It proposed to clarify that all data handled by the center remains the property of the Maine Health Data Organization. It proposed to provide that the center is subject to the Freedom of Access law, the Maine Revised Statutes, Title 1, chapter 13, subchapter I. It proposed to provide for auditing. It proposed to repeal the chapter of law that establishes and governs the center on September 1, 2005. It proposed to add emergency language and add an allocation section and a fiscal note.

Committee Amendment "B" (H-723) proposed to remove the emergency preamble and emergency clause from Committee Amendment "A."

Enacted law summary

Public Law 2001, chapter 453 establishes the Maine Health Data Processing Center, a nonprofit organization, to collect and process health care claims data in Maine. The center is created as a public/private partnership that can capitalize on the interests, resources and efforts of each sector. The center carries out its responsibilities with direction from the Maine Health Data Organization and the Maine Health Information Center, a private nonprofit health care data organization.

All data handled by the center remains the property of the Maine Health Data Organization. The center is subject to the Freedom of Access law, the Maine Revised Statutes, Title 1, chapter 13, subchapter I. The law repeals the chapter of law that establishes and governs the center on September 1, 2005.

Public Law 2001, chapter 456 was enacted as an emergency measure effective June 28, 2001.

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LD 1310

An Act to Amend the Maine Health Data Organization Laws

**PUBLIC 457
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND FULLER	OTP-AM	S-348 S-362 RAND

LD 1310 proposed to make a number of technical corrections to the Maine Health Data Organization laws and repeal language that is outdated. In addition, this bill proposed to eliminate the restriction that the identification of health care practitioners be kept confidential in Maine Health Data Organization public data sets. This bill proposed to require 3rd-party administrators of health care plans to submit clinical and claims data that are currently required of all other health care providers and payors. This bill also proposed to modify the Department of Professional and Financial Regulation statutes to require 3rd-party administrators of health care plans to submit additional reporting information to the Bureau of Insurance.

Committee Amendment "A" (S-290) proposed to add emergency language and to make technical corrections in the bill. It proposed to change the membership on the board of the Maine Health Data Organization and to add a penalty for negligent failure to safeguard the identity of patients or providers.

House Amendment "A" to Committee Amendment "A" (S-643) proposed to clarify that a regulated insurance entity could disclose personal consumer information to a state government entity only when required as authorized by law.

House Amendment "B" to Committee Amendment "A" (H-673) proposed to protect the confidentiality of providers of healthcare.

House Amendment "C" to Committee Amendment "A" (H-685) proposed to remove the emergency language.

Committee Amendment "B" (H-348) proposed to clarify that a regulated insurance entity or organization may disclose personal information about a consumer to a state governmental entity only insofar as necessary for that entity to perform its duties when reporting is required or authorized by law.

Senate Amendment "A" to Committee Amendment "B" (S-360) proposed to remove the emergency language.

Senate Amendment "B" to Committee Amendment "B" (S-362) proposed to remove the allocation section.

Enacted law summary

Public Law 2001, chapter 457 makes a number of technical corrections to the Maine Health Data Organization laws and repeals language that is outdated. In addition, this law eliminates the restriction that the identification of health care practitioners be kept confidential in Maine Health Data Organization public data sets. This law requires 3rd-party administrators of health care plans to submit clinical and claims data that are currently required of all other health care providers and payors. This law also modifies the Department of Professional and Financial Regulation statutes to require 3rd-party administrators of health care plans to submit additional reporting information to the Bureau of Insurance.

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This law clarifies that a regulated insurance entity or organization may disclose personal information about a consumer to a state governmental entity only insofar as necessary for that entity to perform its duties when reporting is required or authorized by law.

Public Law 2001, chapter 457 was enacted as an emergency measure effective June 28, 2001.

LD 1344 **Resolve, Establishing the Blue Ribbon Commission to Review Foster Care and Adoption Systems in the State** **ONTP**

<u>Sponsor(s)</u> MACDOUGALL LEMONT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1344 proposed to establish the Blue Ribbon Commission to Review Foster Care and Adoption Systems in the State that would report to the Second Regular Session of the 120th Legislature.

LD 1345 **Resolve, to Establish the Legislative Task Force to Make Legislative and Policy Recommendations to Strengthen Consumer Protection and Quality Outcomes for All In-home and Home Health Care Services** **ONTP**

<u>Sponsor(s)</u> RICHARDSON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1345 proposed to establish the Task Force to Make Legislative and Policy Recommendations to Strengthen Consumer Protection and Quality Outcomes for All In-Home and Home Health Care Services.

LD 1346 **Resolve, to Establish a Commission to Study the Health Care Workforce Shortage** **CARRIED OVER**

<u>Sponsor(s)</u> FULLER PENDLETON	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1346 proposed to establish the Commission to Study the Health Care Workforce Shortage to study the labor shortage of health professionals in the State and to report, together with any necessary implementing legislation, to the joint standing committees of the Legislature having jurisdiction over health and human services, labor and education and cultural affairs matters no later than January 1, 2003.

This bill was carried over to the Second Regular Session of the 120th Legislature.

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LD 1363 An Act to Reduce Medical Errors and Improve Patient Health CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND KANE		

LD 1363 proposed to establish the Maine Health Care Quality Improvement Center to improve the quality of health care provided to patients, increase patient safety and reduce medical errors. The bill proposed to create a mandatory reporting system for medical errors and events and incidents injurious to patients that involve health care facilities designating these events and incidents "sentinel events."

This bill was carried over to the Second Regular Session of the 120th Legislature.

**LD 1367 Resolve, to Ensure Access to Care for Breast and Cervical Cancer ONTP
for Medicaid Recipients**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL CATHCART	ONTP	

LD 1367 proposed to require the Department of Human Services to amend its rules regarding reimbursement under the Medicaid program to provide for reimbursement for qualified care for breast and cervical cancer by January 1, 2002. These rules would be routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

See Part II Budget, LD 855, Public Law 2001, chapter 439, Part TT.

See also LD 243.

**LD 1384 An Act to Make Active Public Health Investigation Records PUBLIC 407
Confidential**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM MAJ ONTP MIN	H-591

LD 1384 proposed to designate all records related to active public health investigations, surveillance and research as confidential.

Committee Amendment "A" (H-591) is the majority report of the Joint Standing Committee on Health and Human Services. It proposed to provide the department with discretion to withhold epidemiologic investigation

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records containing information about an identifiable individual from inspection and copying by the public during the data collection phase of the investigation in which the information was collected. The department's decision refusing the inspection and copying would not be reviewable. The amendment proposed to retain in the bill the restriction on the release of records even if the subject of the records provides written authorization; this restriction would apply until the data collection phase is completed.

Enacted law summary

Public Law 2001, chapter 407 provides the Department of Human Services with discretion to withhold epidemiologic investigation records containing information about an identifiable individual from inspection and copying by the public during the data collection phase of the investigation in which the information was collected. The department's decision refusing the inspection and copying is not reviewable. The law restricts the release of records even if the subject of the records provides written authorization; this restriction applies until the data collection phase is completed.

LD 1386

An Act Relating to Low-cost Prescription Drugs

ONTP

Sponsor(s)
MICHAEL

Committee Report
ONTP

Amendments Adopted

LD 1386, a concept draft pursuant to Joint Rule 208, proposed the following changes to the laws governing low-cost prescription drugs:

1. Creating the Maine Consumer Purchasing Agency and authorizing them to form any buying pool with individuals, companies, associations, pharmacies, states or state agencies for the purpose of purchasing prescription drugs approved by the federal Food and Drug Administration directly from any company in the world; and
2. Allowing any individual, company, association or pharmacy or pharmacy group to purchase prescription drugs approved by the federal Food and Drug Administration directly from any company in the world.

LD 1401

An Act to Amend the Health Care Facility Immunization Laws

PUBLIC 185

Sponsor(s)
KANE

Committee Report
OTP-AM

Amendments Adopted
H-241

LD 1401 proposed to amend the law regarding immunization requirements for health care workers to ensure:

1. An adequate, updated and consistent definition of "health care facility";
2. Consistent wording and requirements for health care workers seeking exemption from one or more immunizations, including consistency with federal Occupational Safety and Health Administration requirements for hepatitis B; and

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3. Shifting certain disease- and vaccine-specific requirements to rulemaking instead of law.

Committee Amendment "A" (H-241) proposed to add an exemption from immunization requirements for health care workers for persons who decline hepatitis B vaccinations, as provided in federal Department of Labor, Occupational Safety and Health Administration (OSHA) law and regulations. It proposed to require rules adopted by the Department of Human Services to be consistent with OSHA requirements. The amendment proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 185 amends the law regarding immunization requirements for health care workers, adding an exemption from immunization requirements for health care workers for persons who decline hepatitis B vaccinations, as provided in federal Department of Labor, Occupational Safety and Health Administration (OSHA) law and regulations. It requires rules adopted by the Department of Human Services to be consistent with OSHA requirements.

LD 1417 **An Act to Amend the Membership of the Substance Abuse Services Commission** **PUBLIC 303**

<u>Sponsor(s)</u> BROOKS MITCHELL B	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1417 proposed to change one membership position on the Substance Abuse Services Commission from nominations from the National Council on Alcoholism in Maine Incorporated, which is no longer functioning, to nominations from a statewide alliance for addiction recovery.

Enacted law summary

Public Law 2001, chapter 303 changes one membership position on the Substance Abuse Services Commission from nominations from the National Council on Alcoholism in Maine Incorporated, which is no longer functioning, to nominations from a statewide alliance for addiction recovery.

LD 1431 **Resolve, to Establish a Commission to Examine Methods to Ensure the Safety of Children and Families** **ONTP**

<u>Sponsor(s)</u> MENDROS SAWYER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1431 proposed to establish the Commission to Examine Methods to Ensure the Safety of Children and Families that would study ways to properly protect children in the State from harm and would consider alleged abuses by the Department of Human Services.

LD 1475 **Resolve, to Establish a Commission to Respond to the Crisis in Access to Oral Health Services for Residents of the State** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> PEAVEY SMALL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-538
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LD 1475 proposed to establish the Commission to Respond to the Crisis in Access to Oral Health Services for Residents of the State to investigate the developing difficulties of access to oral health services. The commission would be charged with developing a coordinated and comprehensive long-term plan to prepare the State to respond to this critical issue.

Committee Amendment "A" (H-538) proposed to amend the resolve. It proposed to decrease the membership on the Commission to Respond to the Crisis in Access to Oral Health Services for Residents of the State by three Legislators and remove compensation and reimbursement for expenses for nonlegislative members. It proposed to change the report date to November 1, 2002. The amendment proposed to add an appropriation section and a fiscal note to the resolve.

LD 1484 **Resolve, to Require Medicaid Reimbursement for Hearing Aids and Dental Care for Adults** **ONTP**

<u>Sponsor(s)</u> MCNEIL SAVAGE C	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1484 proposed to require the Department of Human Services to amend its rules regarding reimbursement under the Medicaid program to provide for reimbursement for the purchase of hearing aids and the provision of dental care for adults by January 1, 2002. These rules would be routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

LD 1496 **Resolve, to Preserve Elderly Congregate Housing Demonstration Services** **ONTP**

<u>Sponsor(s)</u> O'GARA MAYO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1496 proposed to require the Department of Human Services to use funds from a congregate housing services program, to the extent available, to fund the 75 units of occupied low-income affordable congregate housing that are funded by the United States Department of Housing and Urban Development's HOPE for Elderly Independence Demonstration Program funds that terminate in September 2001.

LD 1499 **Resolve, Directing the Department of Human Services to Adopt Rules Regarding the Reimbursement of Podiatrists** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> SAVAGE C	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-237
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LD 1499 proposed to direct the Department of Human Services to include podiatrists in the group of health care providers who are exempt from reimbursement reductions imposed by the department with respect to its liability for Medicare Part B deductible and coinsurance charges.

Committee Amendment "A" (S-237) proposed to add an appropriation, an allocation and a fiscal note to the resolve.

See Public Law 2001, chapter 439, Part FFFF.

LD 1506 **An Act to Ban Powdered Latex Gloves** **ONTP**

<u>Sponsor(s)</u> PENDLETON ANDREWS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1506 proposed to prohibit hospitals, nursing facilities, doctors' and dentists' offices and other health care facilities from permitting the use of powdered latex gloves in those facilities.

LD 1510 **An Act to Study Long-term Care, Home and Community-based Care, Reimbursement Issues and Staffing Issues** **PUBLIC 284**

<u>Sponsor(s)</u> MARTIN KANE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-206
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LD 1510 proposed to address and resolve certain inconsistent provisions in the certificate of need law governing nursing facilities and in the principles of reimbursement governing both nursing facilities and residential care facilities that adversely affect facilities that replace prior existing facilities.

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The bill proposed to require the department to amend the existing nursing facility and residential care facility principles of reimbursement to ensure that:

1. The total actual cost of nursing staff, other direct staff and other direct and routine care costs that are within approved department staffing patterns would be fully reimbursed by the Medicaid system;
2. That no upper limits, caps, state median rates or other cost or payment limitations set forth in the principles of reimbursement would be applied to limit the payment to these facilities, so long as the underlying costs had been approved by the certificate of need process in the case of nursing facility beds or have otherwise been approved by the department in the case of residential care facility beds; and
3. That interim and final per diem rates and total Medicaid payments made to these replacement facilities would fully recognize these approved costs both initially and on an ongoing basis.

Committee Amendment "A" (S-206) proposed to replace the bill. It proposed to change the title. It proposed to substitute for the provisions of the bill a study by the Long-term Care Implementation Committee. This study, which would result in a report to the Joint Standing Committee on Health and Human Services by February 1, 2002, would address issues of home and community-based care, reimbursement under the Medicaid program and staffing issues. The amendment proposed to add to the duties of the Long-term Care Implementation Committee.

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Enacted law summary

Public Law 2001, chapter 284 provides for a study by the Long-term Care Implementation Committee. This study, which will result in a report to the Joint Standing Committee on Health and Human Services by February 1, 2002, will address issues of home and community-based care, reimbursement under the Medicaid program and staffing issues.

LD 1511 **An Act to Increase Access to Primary and Preventive Services for
Maine's Underserved Citizens** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	ONTP	
BERRY R		

LD 1511 proposed to direct the Department of Human Services, Bureau of Health to undertake an initiative to expand access to primary and preventive health care. It proposed to appropriate \$2,000,000 per year for the support of the community health centers and the federally qualified health center look-alikes. As some of this funding would be used for Medicaid match to federal funds, the bill proposed to allocate matching federal funding.

See also LD 1303, Public Law 2001, chapter 450.

LD 1512 **An Act to Increase Long-term Care Options for Low-income
Citizens of the State** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS		
ETNIER		

LD 1512 proposed to provide a comprehensive system by which the Department of Human Services subsidizes assisted living arrangements for low-income citizens of the State.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1514 **An Act to Ensure Fairness in the Regulation and Reimbursement of
Nursing Facilities** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN		
KANE		

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LD 1514 proposed to provide a fair and orderly process for resolving disputes that arise when the department's Division of Licensure and Certification inspects and finds deficiencies in nursing facilities. The bill proposed to require the department to follow the same procedures in the case of deficiencies with respect to state law that are followed in the case of deficiencies with respect to federal law. In addition, it proposed to provide for a fair and objective review of determinations made by the Director of the Division of Licensure and Certification. It also proposed to require the direct involvement of the director in making recommendations to federal authorities with respect to the imposition of penalties. It also proposed to require the department to study the feasibility of an alternative regulatory scheme for fines and penalties. This bill proposed to direct the department to weigh the entire management record of a management entity and not just particular deficiency findings in the overall assessment of an applicant's fitness for a certificate of need.

The bill proposed to prevent the department from imposing on the facility the cost that should be borne by the resident of the facility, when that resident's obligation to pay for a portion of the cost of care changes due to change in circumstances that affects eligibility for coverage.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1515 An Act to Support the Medical Ride Volunteer Service

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH JONES	OTP-AM	S-213

LD 1515 proposed to establish a grant program statutorily and provide a General Fund appropriation of \$85,000 in fiscal year 2000-01 to the Department of Human Services for grants to local area agencies on aging to support the medical ride volunteer service that provides transportation to medical appointments for older citizens on Medicare.

Committee Amendment "A" (S-213) proposed to add an emergency preamble and an emergency clause to the bill. The amendment proposed to add an appropriation that funds the medical ride volunteer program for two years and a fiscal note to the bill.

LD 1524 Resolve, Regarding Calculation of Consumer Income in Home-based Care Programs

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER TURNER	OTP-AM MAJ ONTP MIN	H-548

LD 1524 proposed to exclude from the calculation of a consumer's income the income of the consumer's spouse under the consumer-directed home-based care program within the Bureau of Elder and Adult Services within the Department of Human Services.

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Committee Amendment "A" (H-548) is the majority report of the committee. It proposed to add an appropriation section and a fiscal note to the resolve.

LD 1535 **Resolve, to Allow Medicaid Reimbursement for Certain Drugs Without Requiring Prior Authorization** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	ONTP MAJ	
	OTP-AM MIN	

LD 1535 proposed to prohibit the Department of Human Services from requiring prior authorization to provide Medicaid reimbursement for drugs for the treatment of cancer, human immunodeficiency virus, mental illness, asthma, hypertension, diabetes, migraine, epilepsy, arterial lateral sclerosis, arthritis and Alzheimer's disease.

Committee Amendment "A" (S-254) is the minority report of the Committee on Health and Human Services. The amendment proposed to replace the resolve and provide a new title. The amendment proposed to require the Department of Human Services to adopt rules by November 1, 2001 regarding prior authorization for prescription drugs under the Medicaid program.

The amendment also proposed to add a fiscal note to the bill.

See also LD 1722.

LD 1542 **An Act to Create the Prescription Assistance Program** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL	ONTP	
PEAVEY		

LD 1542 proposed to establish the prescription assistance program to provide help to residents of this State of all ages who have unusually high prescription drug costs whose family incomes were below 300% of the nonfarm income official poverty line. The program would require enrollees to pay the first \$1,000 of prescription drug expenses. After paying that amount, the enrollee would receive program benefits that pay 80% of the cost of the drugs. The enrollee would pay 20%. The program would encourage the use of generic drugs and would not pay benefits toward prescribed drugs for which there was an over-the-counter pharmacological equivalent. The program would be administered in coordination with the Elderly Low-Cost Drug program and the Medicaid program. In administering the program, the Department of Human Services could enter into contracts, could use mail order service and could use a pharmaceutical benefits manager. The program would be required to operate within its budget and the Commissioner of Human Services could alter program terms to do so. The Department of Human Services would be required to adopt rules to implement the program.

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LD 1545

An Act to Increase the Supply of Medical Services to Consumers

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER DUGAY		

Under current law, before introducing additional health care services and procedures in a market area, a person must apply for and receive a certificate of need from the Department of Human Services. This bill proposed to eliminate that requirement.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1558

An Act to Amend the Licensing and Survey Requirements for Residential Care Facilities and Congregate Housing Services Programs

PUBLIC 263

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP	

LD 1558 proposed to make it possible for the Division of Licensing and Certification of the Department of Human Services to extend the licensing period up to two years for residential care facilities and to allow flexibility with scheduling of surveys instead of requiring annual surveys in all cases.

Enacted law summary

Public Law 2001, chapter 263 makes it possible for the Division of Licensing and Certification of the Department of Human Services to extend the licensing period up to two years for residential care facilities and to allow flexibility with scheduling of surveys instead of requiring annual surveys in all cases.

LD 1560

An Act Authorizing Patients to Designate Visitors

PUBLIC 378

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BROMLEY	OTP-AM	H-578

LD 1560 proposed to provide a process by which a health care patient may specify visitors to visit with the patient in a hospital or nursing facility except when the health care provider in charge has specified that no visitors are allowed.

Committee Amendment "A" (H-578) proposed to replace the bill. It proposed to allow patients in hospital units that restrict visitors to immediate family members to designate persons to be considered as immediate family members for the purpose of granting visitation rights during hospital visiting hours. The amendment proposed to

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provide exceptions under which a hospital may deny visitation with patients to designated visitors. The amendment proposed to require designations of visitors to be noted in the patient's medical records. The amendment proposed to require the Department of Human Services to adopt rules to implement the provisions on designation of visitors. The amendment proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 378 allows patients in hospital units that restrict visitors to immediate family members to designate persons to be considered as immediate family members for the purpose of granting visitation rights during hospital visiting hours. It provides exceptions under which a hospital may deny visitation with patients to designated visitors. It requires designations of visitors to be noted in the patient's medical records. It requires the Department of Human Services to adopt rules to implement the provisions on designation of visitors.

LD 1562 **An Act to Update the Name of the Department of Mental Health,
Mental Retardation and Substance Abuse Services** **PUBLIC 354**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM MAJ	H-518
TURNER	ONTP MIN	

LD 1562 proposed to change the name of the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department of Behavioral and Developmental Services.

Committee Amendment "A" (H-518) is the majority report of the committee. It proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 354 changes the name of the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department of Behavioral and Developmental Services.

LD 1567 **An Act to Protect Consumers of Health Care Services** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM	H-661
PENDLETON		

LD 1567 proposed to add unlicensed assistive personnel to the Maine Registry of Certified Nursing Assistants and rename the registry accordingly. Beginning October 1, 2001, the bill would require unlicensed assistive personnel to be registered within 120 days of being employed in a health care setting and would declare a violation of this provision to be a civil violation for which a forfeiture of \$100 could be assessed. The bill proposed to provide for name-based criminal background checks beginning October 1, 2001 for new employees who are unlicensed

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assistive personnel until January 1, 2003, when the system would change to fingerprint-based checks for unlicensed assistive personnel and certified nursing assistants.

Committee Amendment "A" (H-661) proposed to replace the bill. It proposed to change the title. It proposed to require the Department of Human Services to coordinate a public information campaign to increase consumer awareness of good hiring practices regarding unlicensed health care workers. It proposed to require the department to enlist the assistance of the Department of Mental Health, Mental Retardation and Substance Abuse Services, the long-term care ombudsman program established pursuant to the Maine Revised Statutes, Title 22, section 5107-A, an organization providing legal services for the elderly, area agencies on aging and other interested agencies, providers of health care and advocates for consumers of health care services. It proposed to require the Department of Human Services to report before January 1, 2002 to the Joint Standing Committee on Health and Human Services on the progress that has been made with regard to the public information campaign. The amendment also proposed to add an appropriation section and a fiscal note.

LD 1568

**An Act to Amend the Laws Pertaining to Protection and Advocacy
for Persons with Developmental or Learning Disabilities or Mental
Illness**

PUBLIC 357

Sponsor(s)
BRANNIGAN
DAGGETT

Committee Report
OTP-AM

Amendments Adopted
H-539

LD 1568 proposed to amend the laws establishing the protection and advocacy system for developmentally disabled persons and mentally ill individuals to be consistent with federal laws in the areas of definitions, access and scope of responsibility. It also proposed to add references to federal laws that establish new protection and advocacy services within the overall system and to the services permitted under these federal laws.

Committee Amendment "A" (H-539) proposed to replace the bill. It proposed to update the laws relating to the advocacy system for persons with disabilities. It proposed to clarify the obligations of mental health facilities and hospitals to notify the advocacy agency regarding reportable incidents.

See also the Errors Bill, LD 30, Public Law 2001, chapter 471, Part D.

Enacted law summary

Public Law 2001, chapter 357 updates the laws relating to the advocacy system for persons with disabilities. It clarifies the obligations of mental health facilities and hospitals to notify the advocacy agency regarding reportable incidents.

See also Errors Bill, LD 30, Public Law 2001, chapter 471, Part D, for technical corrections to language.

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LD 1569

An Act to Support a Continuum of Quality Long-term Care Services

DIED ON
ADJOURNMENT

<u>Sponsor(s)</u> KANE PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-593
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LD 1569 proposed to amend the Maine Registry of Certified Nursing Assistants laws to ensure adequate staffing and coverage in order to allow long-term care providers to obtain timely and accurate information about the certification status of potential nursing assistant employees and any record of past abuse or neglect that would preclude hiring of those individuals.

This bill also proposed to require the Department of Human Services to make several improvements in the system of payment for long-term care, including nursing facility services, residential care facility services and home health care services, in order to fairly reflect the current cost of providing those services efficiently. These improvements would include an overall requirement that the payment system reflect the current costs of efficiently providing necessary long-term care services, base reimbursement rates on the most recently available audited cost figures at least once every 3 years, adjust for inflation using factors that reflect actual increases in operating costs incurred in the State and allow nursing facilities to retain, as an efficiency incentive, savings that they may produce in routine component costs.

This bill proposed to require that the principles of reimbursement provide payment rates that cover total Medicaid allowable costs, without adjusting the definition of such costs to conform to a predetermined budget or appropriation amount.

This bill proposed to require the Department of Human Services to develop and fund a project to develop statistically valid measurements of long-term care quality and require that these statistically valid measurements be applied in a fair and independent manner in implementing any quality incentives as part of the payment system for long-term care. The bill proposed to preclude the department from implementing quality incentives at the expense of full reimbursement of the current costs of providing service.

The bill proposed to require recipients of long-term care coverage to exhaust their own available assets before obtaining public support.

The department would be required to remove the homebound requirement that currently applies to Medicaid home health coverage.

The bill proposed to require the Joint Standing Committee on Health and Human Services to study the current statutory obstacles to allowing a consumer to choose to remain in a single, long-term care setting when changes occur in the level of services needed.

Finally, the bill proposed to require the Department of Human Services to amend its principles of reimbursement rules for both nursing facilities and residential care facilities to remove any provision that reduces the total reimbursement of fixed costs when a facility's occupancy percentage, number of residents served or other measurement of utilization relative to capacity falls below a specified percentage or threshold.

Joint Standing Committee on Health and Human Services

Committee Amendment "A" (H-593) proposed to remove provisions of the bill related to operation of the Certified Nursing Assistant Registry, Medicaid reimbursement for nursing facilities and home health care services, quality standards and processes within the Medicaid long-term care program, transfer of assets and spousal impoverishment protections and an aging-in-place study. The amendment proposed to appropriate \$150,000 per year for technology and staff for the Certified Nursing Assistant Registry. It proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

LD 1588 An Act to Appropriate Funds for a Study to Determine the CARRIED OVER
Feasibility of a Medical School in Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN		
SAXL		

LD 1588 proposed to appropriate money to the University of Maine System to hire Medical Care Development, Inc. to conduct a feasibility study of a medical school in the State.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1603 An Act to Expand Family Life Education in Maine Schools CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER		
MILLS		

LD 1603 proposed to direct the Commissioner of Education to take action to enhance family life education for students in kindergarten to high school. The bill appropriates \$750,000 for family life education.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1605 An Act to Control Agency Staffing Costs Affecting Long-term Care ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	ONTTP	
PENDLETON		

LD 1605 proposed to establish a process for registration and rate setting for agencies that provided nursing staff to health care facilities and assisted living facilities.

Joint Standing Committee on Health and Human Services

LD 1607

An Act to Further Protect the Rights of Persons with Mental Retardation or Autism

PUBLIC 245

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER TURNER	OTP-AM	H-381

LD 1607 proposed to enhance protections afforded to persons with mental retardation or autism served by the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to update the law by applying more modern and appropriate concepts regarding behavioral treatment and interventions.

Committee Amendment "A" (H-381) proposed to redefine the situations in which a safety device may be used for a person receiving mental retardation services from the Department of Mental Health, Mental Retardation and Substance Abuse Services or through a program funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to change the composition of the group of persons who may approve the use of certain behavioral treatments.

Enacted law summary

Public Law 2001, chapter 245 enhances protections afforded to persons with mental retardation or autism served by the Department of Mental Health, Mental Retardation and Substance Abuse Services. It updates the law by applying more modern and appropriate concepts regarding behavioral treatment and interventions. It redefines the situations in which a safety device may be used for a person receiving mental retardation services from the Department of Mental Health, Mental Retardation and Substance Abuse Services or through a program funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services. It changes the composition of the group of persons who may approve the use of certain behavioral treatments.

LD 1617

An Act to Provide Quality of Life Assurances for Maine's Most Vulnerable Citizens

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS	ONTP	

LD 1617 proposed to require the Department of Human Services to adopt rules increasing the amount of income that could be retained by residents of nursing and residential care facilities. This bill proposed to fund the increase by funds that would otherwise go to legislative cost-of-living salary adjustments.

Joint Standing Committee on Health and Human Services

LD 1625

Resolve, to Establish the Task Force to Examine Health Care Delivery Systems Within the State

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	ONTP MAJ	
KILKELLY	OTP-AM MIN	

LD 1625 proposed to establish the Task Force to Examine Health Care Delivery Systems within the State. The task force would be required to submit a report and any necessary implementing legislation to the Second Regular Session of the 120th Legislature and the chairs of the task force would be required to report the findings of the task force to a joint session of the 120th Legislature no later than January 15, 2002.

Committee Amendment "A" (H-519), the minority report of the committee, proposed to reduce the duties of the Task Force to Examine Health Care Delivery Systems within the State to an examination of duplication and waste and reduction of paperwork. The amendment also proposed to add an appropriation section and a fiscal note to the resolve.

LD 1641

Resolve, to Require Increased Reimbursement for Hospice Care Under the Medicaid Program

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-590
MICHAUD MH		

LD 1641 proposed to direct the Department of Human Services to adopt routine technical rules to amend its state plan to provide Medicaid reimbursement for hospice care based on the actual cost of providing the care, which the department would calculate annually by using cost report data to determine the average per diem rate.

This resolve also proposed to require the Department of Human Services to conduct an annual cost benefit analysis of these rule changes and report the results of the analysis to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Committee Amendment "A" (H-590) proposed to amend the resolve by requiring the Medicaid reimbursement rate for routine home care under the hospice program be set at the Medicare rate plus 23% beginning October 1, 2001. The amendment also proposed to add an appropriation, an allocation and a fiscal note.

See also LD 802.

See the Part I Budget, LD 300, Public Law 358, Part LL, effective June 4, 2001.

Joint Standing Committee on Health and Human Services

LD 1651

An Act to Preserve Maine Pharmacies

**OTP-ND-NT
SEE LD 1816**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B FULLER	OTP-ND-NT	

LD 1651 proposed to eliminate the pharmacy discounts in the Maine Rx program, increase the dispensing fee in the Medicaid program, include pharmacists as practitioners under the Maine Health Security Act and mandate a prescription drug identification card of health insurers that provide prescription benefits. This bill was reported Ought to Pass – New Draft and reprinted as LD 1816. LD 1816 proposed two study provisions – on pharmacists in the Maine Health Security Act and prescription drug identification cards.

LD 1685

**Resolve, to Change Eligibility for Persons who Transfer Assets and
Move into Assisted Living Facilities**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIELDS TURNER	ONTP	

LD 1685 proposed to require the Department of Human Services, Bureau of Elder and Adult Services to adopt rules similar to those currently in place for persons institutionalized in nursing homes and seeking Medicaid assistance. In the determination of the level of state assistance, the rules would require the inclusion of any qualified assets, as determined by the bureau, transferred less than 36 months prior to moving to the assisted living facility; for irrevocable trusts, the look-back period would be 60 months.

LD 1687

**An Act Regarding People with Disabilities and the Use of Service
Animals**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS LONGLEY	ONTP	

LD 1687 proposed to provide that in order to qualify for the right to be accompanied by a guide or personal care animal, a person would need to possess written certification from a physician that that person needed the assistance of a guide or personal care animal and written certification from the person or organization that trained the guide or personal care animal used by that person that that animal was trained as a guide or personal care animal.

Joint Standing Committee on Health and Human Services

LD 1706

An Act to Reduce the Cost of Administration of the Medicaid Program

ONTP

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1706 proposed to require the Department of Human Services to demonstrate that development of a system of in-house capability to process medical claims would result in cost savings to the State.

LD 1722

An Act to Recognize Exemplary Efforts to Lower the Cost of Prescription Drugs

PUBLIC 405

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-287
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LD 1722 proposed to establish the Business Advisory Committee on Prescription Drug Costs and Efficiencies. The committee would be directed to conduct a study concerning outpatient prescription drug prices in the State and obtain comparable pricing from other states and countries. The committee would be charged with creating model discount and rebate agreements using existing pharmaceutical discount purchasing and assistance programs such as those offered through Medicaid, the federal Department of Veterans Affairs, public health services and other successful programs in other states and countries to secure the highest discounts and rebates available on prescription drugs.

This bill also proposed to direct the Department of Human Services to publicize the names of the pharmaceutical companies that participate and do not participate in the Maine Rx Program, established in the Maine Revised Statutes, Title 22, section 2681, and the Elderly Low-Cost Drug program, established in Title 22, section 254.

This bill proposed to enact a program to encourage prescription drug manufacturers and labelers to voluntarily reduce the cost of drugs paid by Maine residents and by public programs to assist in the purchase of prescription drugs and the per unit cost of prescription drugs dispensed in the State. It proposed to set goals for cost reduction and require manufacturers and labelers to file annual progress reports stating their efforts to assist in the achievement of the State's goals and the costs of their drugs dispensed in the State. The bill proposed to require the Commissioner of Human Services to file an annual report with the Legislature recognizing exemplary efforts and including recommendations for action and the names of manufacturers and labelers worthy of public recognition for their effort or those names of manufacturers and labelers that merit attention for their lack of effort.

Committee Amendment "A" (S-287) proposed to remove from the bill all provisions except those pertaining to the reporting of information regarding manufacturers and labelers of prescription drugs that participate and do not participate in the Maine Rx Program. The amendment proposed to add a provision making the Act effective on the date that prescription drug benefits are provided under the Maine Rx Program. The amendment also proposed to add a fiscal note.

Joint Standing Committee on Health and Human Services

Enacted law summary

Public Law 2001, chapter 405 directs the Department of Human Services to publicize the names of the pharmaceutical companies that participate and do not participate in the Maine Rx Program, established in the Maine Revised Statutes, Title 22, section 2681, and the Elderly Low-Cost Drug program, established in Title 22, section 254.

Public Law 2001, chapter 405 takes effect on the date that prescription drug benefits are provided under the Maine Rx Program.

LD 1744

An Act to Ensure Patient Access to Medicines

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B	ONTP MAJ	
TESSIER	OTP-AM MIN	

LD 1744 proposed to establish standards and criteria governing the establishment and operation of a prescription drug prior authorization system instituted by the Department of Human Services.

Committee Amendment "A" (S-255), the minority report of the Joint Standing Committee on Health and Human Services, proposed to replace the bill. The amendment proposed to require the Department of Human Services to adopt rules by November 1, 2001 regarding prior authorization for prescription drugs under the Medicaid program. The amendment also proposed to add a fiscal note to the bill.

LD 1755

An Act to Provide for a Smoking Cessation Program for Pregnant Women

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM MAJ	
LOVETT	ONTP MIN	

LD 1755 proposed to require the Department of Human Services to establish a smoking cessation program to decrease and eliminate smoking among pregnant women. The program would include information, testing and incentives. An evaluation component would include smoking rates and percentages of babies born with low birth weights.

Committee Amendment "A" (S-221), the minority report of the Joint Standing Committee on Health and Human Services, proposed to require the smoking cessation program for pregnant women be implemented with existing funds. It proposed to add a fiscal note to the bill.

Joint Standing Committee on Health and Human Services

LD 1768 **An Act to Create a Comprehensive Prescription Insurance Plan for Maine Seniors through the Implementation of the Recommendations of the Heinz Family Philanthropies Report** **CARRIED OVER**

Sponsor(s)
BENNETT

Committee Report

Amendments Adopted

LD 1768 is a concept draft pursuant to Joint Rule 208.

This bill proposed to create a comprehensive prescription insurance plan for senior citizens of the State in accordance with the recommendations of the Heinz Family Philanthropies study regarding prescription drugs.

The plan would include the following requirements:

1. All Maine citizens 62 years of age and older would be eligible;
2. The plan would be means tested. Premiums, copayments, deductibles and a catastrophic cap would all be tied to income levels and the consumer price index. Persons with the lowest income levels would also have the lowest catastrophic cap;
3. In determining the premiums, deductibles and catastrophic caps for married couples based on household income, a reduction would be given so that those couples are not penalized or disadvantaged;
4. A formulary based on incentives would be established with generic, preferred and nonpreferred drugs;
5. If a generic drug is available, a brand-name drug may be obtained only by paying the difference in cost between the generic and brand-name medication;
6. "Lifestyle" drugs would be excluded from the plan; and
7. The plan would sunset after four full fiscal years.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1782 **Resolve, Regarding Legislative Review of Section 4.04K of Chapter 4: Regulations for Licensing/Certifying of Substance Abuse Treatment Programs in the State of Maine, a Major Substantive Rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services** **RESOLVE 44
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-540

Joint Standing Committee on Health and Human Services

LD 1782 proposed to provide for legislative review of Section 4.04K of Chapter 4: Regulations for Licensing/Certifying of Substance Abuse Treatment Programs in the State of Maine, a major substantive rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Committee Amendment "A" (H-540) proposed to amend the resolve by requiring that Section 4.04K of Chapter 4: Regulations for Licensing/Certifying of Substance Abuse Treatment Programs in the State of Maine be made retroactive to April 20, 2001.

Enacted law summary

Resolve 2001, chapter 44 provides for legislative review of Section 4.04K of Chapter 4: Regulations for Licensing/Certifying of Substance Abuse Treatment Programs in the State of Maine, a major substantive rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Resolve 2001, chapter 44 was passed as an emergency measure effective May 31, 2001.

LD 1790

An Act to Create the Healthy Maine Prescription Program

**PUBLIC 293
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL MICHAUD MH	OTP-AM	H-520

LD 1790 proposed to require the Department of Human Services to implement the Healthy Maine Prescription Program as the Medicaid prescription drug discount program authorized by federal law. The Elderly Low-Cost Drug program would be made part of the Healthy Maine Prescription Program.

Committee Amendment "A" (H-520) proposed to add language authorizing expenditures for prescription drugs, add an appropriation section and allocation sections and add a fiscal note.

See also Public Law 2001, chapter 471 and LD 1830, Public Law 2001, chapter 467.

Enacted law summary

Public Law 2001, chapter 293 requires the Department of Human Services to implement the Healthy Maine Prescription Program as the Medicaid prescription drug discount program authorized by federal law. The Elderly Low-Cost Drug program is made part of the Healthy Maine Prescription Program. The law authorizes expenditures for prescription drugs.

Public Law 2001, chapter 293 was enacted as an emergency measure effective May 25, 2001.

See also LD 1830, enacted as an emergency measure effective June 28, 2001, Public Law 2001, chapter 467, Part B.

Joint Standing Committee on Health and Human Services

LD 1799

An Act to Strengthen the Certificate of Need Law

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH		

LD 1799 proposed to repeal and replace the Maine Certificate of Need Act of 1978. This bill proposed to require that health prevention services be part of reviewable projects, clarify when certificate of need waivers can be granted, clarify the ability of the Department of Human Services to impose conditions on a certificate of need, change certain dates, eliminate the Certificate of Need Advisory Committee and authorize the commissioner to establish a new advisory committee.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1816

Resolve, Regarding Pharmacists and Pharmaceutical Benefits (New Draft of S.P. 528, L.D. 1651)(New Title)

RESOLVE 56

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B FULLER		

LD 1816 is a new draft derived from LD 1651. This bill proposed to require the Department of Professional and Financial Services to study including pharmacists as practitioners in the Maine Health Security Act and requiring a standardized pharmaceutical benefits identification card.

See also LD 1651.

Enacted law summary

Resolve 2001, chapter 56 requires the Department of Professional and Financial Services to study including pharmacists as practitioners in the Maine Health Security Act and requiring standardized pharmaceutical benefits identification cards.

This resolve is derived from LD 1651.

LD 1830

An Act Concerning Tax Anticipation Notes and Authorizing Expenditures for Funding among Pharmaceutical Benefits Programs

**PUBLIC 467
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY R GOLDTHWAIT		

Joint Standing Committee on Health and Human Services

LD 1830 proposed:

1. To make certain changes in the laws regarding tax anticipation notes; and
2. To authorize spending for prescription drug programs from other similar programs, providing flexibility in the event that coverage is interrupted by litigation.

Enacted as an emergency measure, this law takes effect June 28, 2001, except that Section B-1 takes effect May 26, 2001.

See also LD 1790 and Public Law 2001, chapter 471.

Enacted law summary

Public Law 2001, chapter 467 does the following:

1. Makes certain changes in the laws regarding tax anticipation notes; and
2. Authorizes spending for prescription drug programs from other similar programs, providing flexibility in the event that coverage is interrupted by litigation.

Public Law 2001, chapter 467 was enacted as an emergency measure effective June 28, 2001.

HP 1139

JOINT ORDER – relative to the Joint Study Commission to Review Compensation in the Office of Disability Determination Services

ONTP

Sponsor(s)
WATSON

Committee Report
ONTP

Amendments Adopted

HP 1139 proposed to establish the Joint Study Commission to Review Compensation in the Office of Disability Determination Services.

HP 1141

JOINT ORDER – relative to the Joint Study Committee to Study the Most Appropriate Means of Amending Existing Laws and Regulations to Facilitate Consumer Choice and the Ability to Age in Peace

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

Joint Standing Committee on Health and Human Services

HP 1141 proposed to establish the Joint Study Committee to Study the Most Appropriate Means of Amending Existing Laws and Regulations to Facilitate Consumer Choice and the Ability to Age in Place.

Joint Standing Committee on Health and Human Services

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